

Post, No. 223; Twin City Camping Club; and Allegheny Jacksonian Club, all of Pittsburgh, Pa., indorsing increased compensation to postal employees; to the Committee on the Post Office and Post Roads.

2326. By Mr. MORROW: Petition of Mesilla National Farm Loan Association, W. P. Thorpe, secretary, Las Cruces, N. Mex., opposing Senate bill 1630 because of section 3 of said bill; to the Committee on Banking and Currency.

2327. By Mr. O'CONNELL of Rhode Island: Petition of members of Court Libia, No. 49, F. of A., of Providence, R. I., opposing the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2328. Also, petitions of members of the Societa M. S. San Rocco, of Providence, R. I., opposing the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2329. By Mr. PATTERSON: Petition of 134 residents of Gloucester County, N. J., indorsing the immigration bill; to the Committee on Immigration and Naturalization.

2330. Also, petition of 34 residents of Newfield, Gloucester County, N. J., indorsing the immigration bill; to the Committee on Immigration and Naturalization.

2331. By Mr. PHILLIPS: Affidavits to accompany House bill 8534, granting an increase of pension to Carrie Thompson; to the Committee on Invalid Pensions.

2332. By Mr. WINSLOW: Petition of residents of the fourth Massachusetts district, in favor of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2333. By Mr. YOUNG: Petitions of the County Bankers' Association of Grand Forks, N. Dak., and the Community Commercial Club of Edgeley, N. Dak., urging the passage of the McNary-Haugen bill; to the Committee on Agriculture.

SENATE

THURSDAY, April 10, 1924

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, the God of our fathers, we look unto Thee this morning with thanksgiving. Thou hast spared our lives and opened unto us new opportunities as well as to call us to the fulfillment of duty. We pray Thee for Thy grace and help. Lead us into paths of wisdom with clearness of understanding and highest hope for our land and for the world. Hear and help. For Jesus' sake. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, April 7, 1924, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the bill (S. 1724) to amend section 4414 of the Revised Statutes of the United States, as amended by the act approved July 2, 1918, to abolish the inspection districts of Apalachicola, Fla., and Burlington, Vt., Steamboat Inspection Service.

The message also announced that the House had passed a bill (H. R. 8143) for the protection of the fisheries of Alaska, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 6815) to authorize a temporary increase of the Coast Guard for law enforcement, and it was thereupon signed by the President pro tempore.

DISTRIBUTED AND UNDISTRIBUTED EARNINGS OF CORPORATIONS (S. DOC. NO. 85)

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting a report showing the profits of corporations reporting net taxable income of \$2,000 and over for either the calendar year ended December 31, 1922, or fiscal year terminating prior to July 1, 1923. The report is made in compliance with Senate Resolution 110.

Mr. JONES of New Mexico. I ask unanimous consent that the communication may be printed as a Senate document.

The PRESIDENT pro tempore. Is there objection?

Mr. WARREN. To what does it refer?

Mr. JONES of New Mexico. It is in reply to a resolution which the Senate passed early in January calling for information regarding the earnings of corporations.

Mr. WARREN. Should it not be printed and go to the committee?

Mr. JONES of New Mexico. The committee to which it would be referred is about to report the bill, and it ought to be printed as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR BURTON K. WHEELER

The PRESIDENT pro tempore. The Chair desires to announce that under Resolution No. 206, the Chair appoints as the committee therein authorized the Senator from Idaho, Mr. BORAH, as chairman, the Senator from Connecticut, Mr. McLEAN, the Senator from South Dakota, Mr. STERLING, the Senator from Virginia, Mr. SWANSON, and the Senator from Arkansas, Mr. CARAWAY.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate a resolution adopted by the Society of Colonial Wars in the District of Columbia, protesting against the passage of legislation appropriating \$10,000,000 for the relief of the German people, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a concurrent resolution of the Assembly of the State of New Jersey, which was referred to the Committee on Finance, as follows:

Assembly concurrent resolution 1. Introduced January 21, 1924, by Mrs. Thompson

STATE OF NEW JERSEY.

Whereas the people of the State of New Jersey are deeply sensible of the services rendered by the soldiers, sailors, and marines of the forces of the United States in the World War, and of the fact that these services were rendered almost in every case at some considerable pecuniary sacrifice and loss of such varying nature and degree as to be incapable of exact measurement by a fixed standard; and

Whereas the United States has not thus far in any substantial or sufficient way compensated those of its forces who suffered such sacrifice and loss, although more than five years have elapsed since the World War was ended; and

Whereas there is now pending in the Congress of the United States a bill known as the World War adjusted compensation act (H. R. 3242), which does provide for suitable and sufficient compensation for such losses and sacrifices as nearly as the same are capable of measurement; and

Whereas the people of New Jersey have recognized in a substantial manner the services of those of its citizens who served in the World War by the passage by a large majority of a bill providing for the payment to them by the State of New Jersey of a bonus graduated according to the length of their war service, and have thereby recognized the justice of the principles embodied in the aforesaid bill now pending in Congress; and

Whereas the Senate and House of Representatives of the United States, expressing the popular will of the majority of the entire citizenry of the Nation, have heretofore passed such legislation, only to have the same avoided by technical delay or killed by presidential veto; and

Whereas the large majority of people of New Jersey are believed to favor the passage of the aforesaid bill now pending in Congress, and the principles therein involved: Be it

Resolved by the General Assembly of the State of New Jersey (the Senate concurring), That it is the sense of the Senate and General Assembly of the State of New Jersey, representing the people of the State of New Jersey, that the said bill now pending in Congress known as the World War adjusted compensation act (H. R. 3242) ought to be promptly passed; that the Senate and General Assembly of the State of New Jersey, speaking for themselves and their constituents, therefore hereby urge upon the Congress of the United States the immediate passage of the aforesaid bill; that copies of this resolution be forthwith sent to the Senate and House of Representatives of the United States and to each Senator and Representative from the State of New Jersey.

Mr. BURSUM. I present telegrams in the nature of memorials from certain officers of railway shop organizations at Albuquerque, N. Mex., which I ask may be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the telegrams were referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

ALBUQUERQUE, N. Mex., April 4, 1924.

H. O. BURSUM,

Senator, Washington, D. C.

We, the undersigned, representing the Atchison, Topeka & Santa Fe Railway System Shop Crafts Association, respectfully protest against the passage of the amendment to abrogate Title III, transportation act of 1920, proposed by the so-called standard railway labor organizations as an act repudiating the men who remained loyal to the public in-

terests on July 1, 1922, and the Declaration of Independence and the guaranty of the Constitution of these United States, and which would make us subject to the railway employees' department, American Federation of Labor. If Congress can designate what labor organization shall control, they can also designate what religion a man must profess.

Rio Grande Division—Carl L. Cook, Chas. W. Skinner, J. C. Casillo, Division Committee Machinists' Helpers and Apprentices; M. Q. Garcia, Gordon Holloway, Clinton R. Bagwell, Division Committee Electrical Workers' Helpers and Apprentices; Geo. D. Fisher, I. O. Lopez, T. R. Sandoval, Division Committee Boilermakers' Helpers and Apprentices; D. W. Booth, G. Oliva, F. H. Hosa, Division Committee Sheet Metal Workers' Helpers and Apprentices; E. G. Dovel, Sisto G. Giamini, R. J. Johnson, Division Committee Carmen Helpers and Apprentices.

ALBUQUERQUE, N. MEX., April 3, 1924.

Hon. H. O. BURSUM,

United States Senator, State of New Mexico, Washington, D. C.

We, the undersigned, representing the Atchison, Topeka & Santa Fe Railway System Shop Crafts Association, respectfully protest against the passage of the amendment to abrogate Title III, transportation act of 1920, proposed by the so-called standard railway labor organizations as an act repudiating the men who remained loyal to the public interests on July 1, 1922, and the Declaration of Independence and the guaranty of the Constitution of these United States, and which would make us subject to the railway employees' department, American Federation of Labor. If Congress can designate what labor organization shall control, they can also designate what religion a man must profess.

Albuquerque Shop Division—Glen E. Valentine, A. A. Chavez, Warren A. Robinson, Division Committee Machinists' Helpers and Apprentices; B. B. Cordova, Roland Hoge, P. Anaya, Division Committee Boilermakers' Helpers and Apprentices; Geo. A. Burries, W. A. Sager, Sam Armenta, Division Committee Blacksmiths' Helpers and Apprentices; Leon H. Mudgett, W. F. Jordan, R. R. Cook, Division Committee Electrical Workers' Helpers and Apprentices; Anthony Seufzert, Emerio Martinez, J. W. Fredericks, Division Committee Sheet Metal Workers' Helpers and Apprentices; L. D. Baker, Harry R. Reinecke, J. S. Crane, Division Committee Carmen Helpers and Apprentices.

Mr. CAPPER presented a petition of sundry members of the Junction City (Kans.) Postal Union, praying for the passage of legislation granting a general postal salary increase rather than an increase determined on a differential basis, which was referred to the Committee on Post Offices and Post Roads.

Mr. HOWELL presented 25 telegrams in the nature of petitions from sundry citizens and business organizations of Fremont, Omaha, and South Omaha, Nebr., praying for the passage of legislation repealing the tax on telegraph and telephone messages, which were referred to the Committee on Finance.

Mr. CURTIS presented a resolution of the Topeka (Kans.) Industrial Council, favoring the passage of legislation granting increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of the Athenium Reading Club, of Parsons, Kans., praying for the classification of first, second, and third class postmasters under the civil service, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of the Athenium Reading Club, of Parsons, Kans., praying that the United States participate in the settlement of international disputes through orderly judicial procedure, which was referred to the Committee on Foreign Relations.

He also presented a petition of the postal employees of Junction City, Kans., praying for the passage of legislation granting increased compensation to postal employees in the small towns as well as in large cities, etc., which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by the Brotherhood of Locomotive Engineers, Division No. 740, of Pratt, Kans., favoring the passage of the so-called Howell-Barkley bill, relative to the Federal Railway Labor Board, which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Leavenworth, Bushton, Concordia, Cherryvale, Abbyville, Larned, Hutchinson, Morganville, Great Bend, Caldwell, Stafford, Harveyville, Kinsley, Lewis, Potter, Alida, and Sedgwick, and of members of the Woman's Christian Temperance Union, of Atchison, all in the State of Kansas, praying for the passage of re-

strictive immigration legislation, with quotas based on the census of 1890, which were ordered to lie on the table.

Mr. WILLIS presented a petition of sundry citizens of Champaign County, Ohio, praying for the passage of restrictive immigration legislation, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Perry County, Ohio, praying for the passage of stringent immigration legislation, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Canton, Wellston, and Johnstown, in the State of Ohio, praying for the passage of restrictive immigration legislation with quotas based on the 1890 census, which were ordered to lie on the table.

He also presented a resolution adopted at a meeting of the United Hungarian Churches and Societies of Youngstown, Ohio, protesting against the passage of restrictive immigration legislation, and especially against the proposal to register, fingerprint, and photograph immigrants, which was ordered to lie on the table.

He also presented a petition of members of the Women's Missionary Society of the First United Presbyterian Church of Canton, Ohio, praying for the adoption of the so-called McCormick child-labor amendment to the Constitution, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Ashtabula, Ohio, praying for the entrance of the United States into the World Court, which was referred to the Committee on Foreign Relations.

Mr. FRAZIER presented the petition of Calfee Williams and 28 other citizens of Woodworth, N. Dak., praying for the passage of the so-called McNary-Haugen export corporation bill, which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Edgeley Community Club, of Edgeley; the Grand Forks County Bankers Association, of Grand Forks; and by sundry citizens of Vernon Township, Walsh County, all in the State of North Dakota, favoring the passage of the so-called McNary-Haugen export corporation bill, which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of H. C. Johnson and 39 other citizens of Osnabrock, N. Dak., praying for passage of drastically restrictive immigration legislation, with quotas based on the census of 1890, which was ordered to lie on the table.

He also presented resolutions adopted by Local Union No. 3803, United Mine Workers of America, of Wilson, N. Dak., and the Legislative League of New York (Inc.), favoring the passage of restrictive immigration legislation, with quotas based on the census of 1890, which were ordered to lie on the table.

He also presented the memorial of Jennie M. Learner and 42 other citizens of Ellendale, N. Dak., remonstrating against amendment of the Federal prohibition act legalizing 2.75 per cent beer, etc., which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Fortnightly Club, of Bismarck, N. Dak., favoring adequate appropriations enabling representatives of the United States to attend the forthcoming international conference for the suppression of the narcotic traffic, which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by a committee of the Farmers Grain Dealers' Association of North Dakota, protesting against the passage of legislation reducing the tariff duty on flax, etc., which were referred to the Committee on Finance.

Mr. SHIPSTEAD presented a resolution of the Commercial Club of Gilbert, Minn., favoring the passage of legislation granting adjusted compensation to veterans of the World War, which was referred to the Committee on Finance.

He also presented a resolution of Mesaba Lodge No. 673, I. O. B. B., of Virginia, Minn., protesting against the passage of the restrictive immigration legislation, which was ordered to lie on the table.

He also presented resolutions of Slovanska Drugine Lodge No. 211, of Ribwabik, and of Vseslovan Lodge No. 161, of Kitzville, both of the S. N. P. J., in the State of Minnesota, protesting against the passage of restrictive immigration legislation and especially the proposal to register, photograph, and fingerprint immigrants, which were ordered to lie on the table.

He also presented a resolution adopted at a meeting of the Business and Professional Men's Association of Minneapolis, Minn., favoring the passage of legislation granting immediate independence to the Filipinos, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Commonwealth Club, of Minneapolis, Minn., favoring the adoption by the United States of the so-called Bok peace plan, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Lakeside Unit of the Cottonwood County Farm Bureau, of Windom, Minn., favoring the passage of the so-called McNary-Haugen export corporation bill, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Duluth, Minn., praying for the passage of legislation requiring that all strictly military supplies be manufactured in Government-owned navy yards and arsenals, etc., which was referred to the Committee on Military Affairs.

He also presented resolutions adopted by the Chippewa Indians of the White Earth Reservation and the Board of County Commissioners of Mahnomon County, in the State of Minnesota, favoring the passage of Senate Resolution No. 34, instructing the Committee on Indian Affairs to investigate the controversy between the Chippewa Indians of Minnesota and the Government of the United States, which were referred to the Committee on Indian Affairs.

He also presented resolutions adopted by the board of directors of the Moorhead Commercial Club, of Moorhead, and the Commercial Club of Hallock, both in the State of Minnesota, protesting against any amendment of the transportation act of 1920, which were referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by McVeigh-Dunn Post, No. 60, the American Legion, at Grand Rapids, Minn., favoring the passage of House bill 4469, adjusting the pay of students of officers' training camps, which was referred to the Committee on Military Affairs.

He also presented resolutions adopted at the annual convention of the Minnesota Farm Bureau Federation, favoring the passage of House bill 5093, to amend sections 301, 303, 306, and 407 of an act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes, approved August 15, 1921, etc., which were referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted at the annual meeting of the Minnesota Livestock Breeders' Association, favoring the passage of the so-called truth in fabric bill, etc., which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by the board of governors of the State Agricultural Society of Minnesota, favoring adequate appropriations for the control of animal tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution of Minneapolis Chapter, No. 1 (Inc.), Disabled American Veterans of the World War, of Minneapolis, Minn., protesting against a ruling of the United States Veterans' Bureau requiring two years premedical schooling for entrance into the study of chiropractic, which was referred to the Committee on Finance.

He also presented a resolution of Chapter No. 2, Disabled American Veterans of the World War (Inc.), of St. Paul, Minn., protesting against a ruling of the United States Veterans' Bureau to the effect that amounts earned by trainees in outside activities be deducted from Government pay checks, etc., which was referred to the Committee on Finance.

He also presented a resolution adopted by the Hennepin County (Minn.) Republican Convention, relative to certain measures to be adopted by the United States in the event of war, which was referred to the Committee on Military Affairs.

He also presented resolutions of Chapter No. 2, Disabled American Veterans of the World War, of St. Paul, Minn., protesting against the passage of legislation making compulsory allotments to veterans, etc., which was referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. LADD, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 2665) granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River in the vicinity of One hundred and thirty-fourth Street, in the city of Chicago, county of Cook, State of Illinois (Rept. No. 369);

A bill (H. R. 6810) granting the consent of Congress to the Millersburg & Liverpool Bridge Corporation, and its successors, to construct a bridge across the Susquehanna River, at Millersburg, Pa. (Rept. No. 370);

A bill (H. R. 7063) granting the consent of Congress to the State of Illinois and the State of Iowa, or either of them, to construct a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa (Rept. No. 371); and

A bill (H. R. 7846) to extend the time for the construction of a bridge across the North Branch of the Susquehanna River from the city of Wilkes-Barre to the borough of Dorranceton, Pa. (Rept. No. 372).

Mr. TRAMMELL, from the Committee on Naval Affairs, to which was referred the bill (S. 2923) authorizing the Secretary of the Navy to accept certain lands in the vicinity of Pensacola, Fla., to assure a suitable water supply for the United States naval air station at Pensacola, reported it without amendment and submitted a report (No. 373) thereon.

He also, from the same committee reported an amendment authorizing the acceptance on behalf of the United States of title to certain lands in the vicinity of Pensacola, Fla., for use as a site and right of way for the construction and maintenance of a pumping station, wells, and pipe line to provide a suitable water supply for the United States naval air station, etc., intended to be proposed to House bill 6820, the naval appropriation bill, and submitted a report (No. 374) thereon, which was referred to the Committee on Appropriations.

Mr. ODDIE, from the Committee on Naval Affairs, reported an amendment proposing to appropriate \$200,000 toward the further development of the submarine and destroyer base at Tongue Point, Columbia River, etc., intended to be proposed to House bill 6820, the naval appropriation bill, which was referred to the Committee on Appropriations.

TAX REDUCTION

Mr. SMOOT. From the Committee on Finance I report favorably with amendments the bill (H. R. 6715) to reduce and equalize taxation, to provide revenue, and for other purposes.

I desire to give notice that I shall file the committee report on Saturday of this week. I had intended to file the report to-morrow morning, but the senior Senator from North Carolina [Mr. SIMMONS] said that the minority report could not be ready before Saturday and he desired to file it at the same time the committee report is filed. Therefore I shall withhold the committee report upon the bill until Saturday, at which time both of the reports, the report of the committee and the minority report, will be filed.

I also desire to say that the bill will not be called up for consideration until the middle of next week. That is done with the hope that every Senator interested in the bill will have time to examine it and make a study of its provisions. Senators will find upon their desks this morning a copy of the bill as reported. I express the hope that every Senator between now and next Wednesday will make a study of the bill, so that when we begin the discussion of it the points on which there are no differences of opinion will be well settled in the minds of Senators.

I want also to state that the bill has been considered with Republican and Democratic members of the committee present. We have had no meetings of the Republicans, or of the Democrats, as I understand, on the administrative features of the bill. All are pretty well agreed upon the administrative features of the bill. As I said on the floor of the Senate the other day, of course there will be some disagreement as to rates. I think, however, that is about the only disagreement there will be on the provisions of the bill.

Mr. ROBINSON. May I ask the Senator if I correctly understood him to say that he expects to proceed to the consideration of the revenue bill next Wednesday?

Mr. SMOOT. I hope so.

Mr. ROBINSON. I join the Senator in the hope that it may be taken up at the earliest possible moment.

Mr. SMOOT. I desired to take it up Monday, but I do not believe we would make any headway by taking it up so soon, because that would not allow sufficient time for Senators to give the necessary consideration to the various provisions of the bill. The senior Senator from North Carolina [Mr. SIMMONS] also stated that he thought it was better not to bring it up until Wednesday. Therefore we have agreed that it should not be brought up for consideration on the floor of the Senate before next Wednesday.

Mr. FLETCHER. May I inquire of the Senator if his purpose is to proceed with the consideration of the revenue bill before taking up the bonus bill?

Mr. SMOOT. That is entirely left to the decision of the Senate. I will say to the Senator that the Committee on Finance met this morning for the purpose of considering the bonus bill. The junior Senator from Massachusetts [Mr. WALSH] stated that he had not had time to give sufficient consideration to the bill and wanted more time for its consideration, as well as for the consideration of items which he and others, perhaps, would offer as substitutes for some of the provisions of the bill as it passed the House.

Mr. NORRIS. It seems to me the more orderly procedure would be to take up the bonus bill before the revenue bill, because the action of the Senate on the revenue bill might depend somewhat upon what kind of bonus bill was passed.

Mr. SMOOT. I think that is the sentiment of quite a number of the members of the Finance Committee. I simply desire to add that at the meeting this morning it was agreed that the committee should meet at 10.30 o'clock Saturday for the purpose of considering and reporting out a bonus bill.

Mr. SIMMONS. Mr. President, I desire to present three amendments to the revenue bill reported from the Finance Committee by its chairman this morning. One of those is an amendment in the nature of a substitute for the provision in the bill reported by the committee providing exemption for married and single persons. The second is an amendment in the nature of a substitute for the provision in the bill relating to normal taxes. The third is an amendment in the nature of a substitute for the provision in the bill as reported relating to surtaxes. I submit the proposed amendments and ask that they be printed.

The PRESIDENT pro tempore. The amendments proposed by the Senator from North Carolina will be printed and lie on the table.

Mr. SIMMONS. I understand that probably both the minority and majority will be ready to submit formal reports by Saturday. I understand further that we are not to take up the bill for consideration before Wednesday next.

Mr. SMOOT. That is right.

Mr. SIMMONS. Mr. President, I ask unanimous consent to have printed as a public document and in the Record a table prepared by Mr. Joseph McCoy, Actuary of the Treasury, giving the relative income taxes—normal and surtaxes—under the present law, the so-called Mellon plan, the House bill, and the proposed substitute offered by me to-day to the normal and surtax rates of the bill reported to-day by the Finance Committee.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The table is as follows (S. Doc. No. 86):

Comparison of the tax on specified incomes to be paid under the provisions of the several revenue laws—married man, no dependents—the first \$5,000 of all income to be deemed to be earned; balance unearned

Net income	Present law				Mellon plan				House bill				Simmons amendments				
	Normal tax	Surtax	Total tax	Per cent of total net income	Normal tax	Surtax	Total tax	Per cent of total net income	Normal tax	Surtax	Total tax	Per cent of total net income	Normal tax	Surtax	Total tax	Per cent of total net income	Surtax in per cent of total net income
\$3,000	\$20		\$20	0.67	\$11.25		\$11.25	0.38	\$7.50		\$7.50	0.25	\$7.50		\$7.50	0.25	
\$3,000	60		60	1.50	33.75		33.75	.84	22.50		22.50	.56	22.50		22.50	.56	
\$5,000	100		100	2.00	56.25		56.25	1.13	37.50		37.50	.75	37.50		37.50	.75	
\$6,000	160		160	2.67	97.50		97.50	1.63	56.25		56.25	1.08	57.50		57.50	.94	
\$7,000	240	\$10	250	3.56	157.50		157.50	2.25	115		115.00	1.64	87.50		87.50	1.25	
\$9,000	400	30	430	4.78	277.50		277.50	3.08	215		215.00	2.39	167.50		167.50	1.86	
\$10,000	480	40	520	5.20	337.50		337.50	3.38	265		265.00	2.65	207.50		207.50	2.08	
\$12,000	640	80	720	6.00	457.50	\$20	477.50	3.98	385	\$30	415.00	3.46	317.50	\$20	337.50	2.81	0.17
\$14,000	800	140	940	6.71	577.50	60	637.50	4.55	505	75	580.00	4.14	437.50	40	477.50	3.41	.29
\$16,000	960	220	1,180	7.38	697.50	120	817.50	5.11	625	135	760.00	4.75	557.50	80	637.50	3.98	.50
\$18,000	1,120	320	1,440	8.00	817.50	200	1,017.50	5.65	745	210	955.00	5.31	677.50	140	817.50	4.54	.70
\$20,000	1,280	440	1,720	8.60	937.50	300	1,237.50	6.19	865	300	1,165.00	5.83	797.50	220	1,017.50	5.09	1.10
\$22,000	1,440	600	2,040	9.27	1,057.50	420	1,477.50	6.72	985	420	1,405.00	6.39	917.50	320	1,237.50	5.62	1.45
\$24,000	1,600	780	2,380	9.92	1,177.50	560	1,737.50	7.24	1,105	555	1,660.00	6.92	1,037.50	440	1,477.50	6.16	1.83
\$26,000	1,760	980	2,740	10.54	1,297.50	720	2,017.50	7.76	1,225	705	1,930.00	7.42	1,157.50	580	1,737.50	6.95	2.23
\$28,000	1,920	1,200	3,120	11.14	1,417.50	900	2,317.50	8.28	1,345	870	2,215.00	7.91	1,277.50	740	2,017.50	7.21	2.64
\$30,000	2,080	1,440	3,520	11.73	1,537.50	1,100	2,637.50	8.79	1,465	1,050	2,515.00	8.38	1,397.50	920	2,317.50	7.73	3.07
\$32,000	2,240	1,700	3,940	12.31	1,657.50	1,320	2,977.50	9.30	1,585	1,245	2,830.00	8.84	1,517.50	1,120	2,637.50	8.24	3.50
\$34,000	2,400	2,000	4,400	12.94	1,777.50	1,560	3,337.50	9.82	1,705	1,470	3,175.00	9.34	1,637.50	1,320	2,957.50	8.70	3.88
\$36,000	2,560	2,300	4,860	13.50	1,897.50	1,820	3,717.50	10.33	1,825	1,695	3,520.00	9.78	1,757.50	1,540	3,297.50	9.16	4.28
\$38,000	2,720	2,620	5,340	14.05	2,017.50	2,100	4,117.50	10.84	1,945	1,935	3,880.00	10.21	1,877.50	1,780	3,657.50	9.63	4.56
\$40,000	2,880	2,960	5,840	14.60	2,137.50	2,380	4,517.50	11.29	2,065	2,190	4,255.00	10.64	1,997.50	2,040	4,037.50	10.09	5.10
\$42,000	3,040	3,320	6,360	15.14	2,257.50	2,680	4,937.50	11.76	2,185	2,460	4,645.00	11.10	2,117.50	2,300	4,417.50	10.52	5.48
\$46,000	3,360	4,100	7,460	16.22	2,497.50	3,280	5,777.50	12.56	2,425	3,045	5,470.00	11.89	2,357.50	2,880	5,237.50	11.39	6.26
\$50,000	3,680	4,960	8,640	17.28	2,737.50	3,920	6,657.50	13.32	2,665	3,525	6,190.00	12.38	2,597.50	3,540	6,137.50	12.28	7.08
\$60,000	4,480	7,460	11,940	19.90	3,337.50	5,620	8,957.50	14.93	3,265	5,400	8,665.00	14.44	3,197.50	5,480	8,677.50	14.46	9.13
\$70,000	5,280	10,460	15,740	22.49	3,937.50	7,480	11,417.50	16.31	3,865	7,650	11,515.00	16.43	3,797.50	7,780	11,577.50	16.63	11.11
\$80,000	6,080	13,960	20,040	25.05	4,537.50	9,520	14,057.50	17.57	4,465	10,275	14,740.00	18.45	4,397.50	10,480	14,877.50	18.60	13.10
\$90,000	6,880	17,960	24,840	27.60	5,137.50	11,720	16,857.50	18.73	5,065	13,275	18,340.00	20.32	4,997.50	13,540	18,537.50	20.60	15.04
\$100,000	7,680	22,460	30,140	30.14	5,737.50	14,080	19,817.50	19.82	5,085	16,650	22,315.00	22.38	5,597.50	17,020	22,617.50	22.62	17.02
\$150,000	11,680	46,460	58,140	38.76	8,737.50	26,580	35,317.50	23.55	8,665	34,650	43,315.00	28.88	8,597.50	35,520	44,117.50	29.41	23.68
\$200,000	15,680	70,960	86,640	43.32	11,737.50	39,080	50,817.50	25.41	11,665	53,025	64,690.00	32.55	11,597.50	54,020	65,617.50	32.82	27.01
\$300,000	23,680	120,960	144,640	48.21	17,737.50	64,080	81,817.50	27.27	17,665	90,525	108,190.00	36.06	17,597.50	92,020	109,617.50	36.54	30.07
\$500,000	39,680	220,960	260,640	52.13	29,737.50	114,080	143,817.50	29.76	29,665	165,525	195,190.00	39.04	29,597.50	170,020	199,617.50	39.92	34.30
\$1,000,000	79,680	470,960	550,640	55.06	59,737.50	239,080	298,817.50	29.88	59,665	333,025	412,690.00	41.27	59,597.50	370,020	429,617.50	42.96	37.00

I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the States of Georgia and Florida, through their respective highway departments, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the St. Marys River at a point suitable to the interests of navigation at or near Wilds Landing, Fla., connecting Camden County, Ga., and Nassau County, Fla., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FLETCHER. I ask that the report of the committee on the bill just passed may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The report is as follows:

BRIDGE ACROSS ST. MARYS RIVER, FLA.

Mr. FLETCHER, from the Committee on Commerce, submitted the following report to accompany S. 2929:

The Committee on Commerce, to whom was referred the bill (S. 2929) granting the consent of Congress to the States of Georgia and Florida, through their respective highway departments, to construct a bridge across the St. Marys River at or near Wilds Landing, Fla., having considered the same, report favorably thereon and recommend that the bill do pass without amendment.

The bill has the approval of the Departments of War and Agriculture, as will appear by the annexed communications.

WAR DEPARTMENT,

March 31, 1924.

Respectfully returned to the chairman, Committee on Commerce, United States Senate.

So far as the interests committed to this department are concerned, I know of no objection to the favorable consideration of the accompanying bill, S. 2929, Sixty-eighth Congress, first session, "Granting the consent of Congress to the States of Georgia and Florida, through their respective highway departments, to construct a bridge across the St. Marys River at or near Wilds Landing, Fla."

As the navigable portions of the St. Marys River do not lie within the limits of a single State the consent of Congress is required under section 9 of the river and harbor act of March 3, 1899 (30 Stat. 1151), for the construction of a bridge thereover.

J. W. WEEKS,
Secretary of War.

DEPARTMENT OF AGRICULTURE,

Washington, March 29, 1924.

Hon. W. L. JONES,

Chairman Committee on Commerce, United States Senate.

DEAR SENATOR: Receipt is acknowledged of your letter of March 26, transmitting a copy of the bill S. 2929, with the request that the committee be furnished with such suggestions touching the merits of the bill and the propriety of its passage as the department might deem appropriate.

This bill would authorize the highway departments of the States of Florida and Georgia to construct and maintain a bridge and approaches thereto across the St. Marys River at or near Wilds Landing, Fla., connecting Camden County, Ga., and Nassau County, Fla. The site indicated for the location of this bridge is on one of the primary roads included in the system of Federal-aid highways approved for the States of Florida and Georgia. It is the understanding of this department that the bridge to be constructed by the highway departments of the two States will be submitted as a Federal-aid project, and, of course, will be a free bridge. This department therefore would recommend favorable consideration of the bill.

Sincerely,

HENRY C. WALLACE, Secretary.

ENROLLED BILLS PRESENTED

Mr. WATSON, from the Committee on Enrolled Bills, reported that on the 10th instant they presented to the President of the United States the following enrolled bills:

S. 47. An act to permit the correction of the general account of Charles B. Strecker, former Assistant Treasurer of the United States;

S. 107. An act for the relief of John H. McAtee;
S. 796. An act for the relief of William H. Lee;
S. 1021. An act for the relief of the Alaska Commercial Co.;
S. 1703. An act for the relief of J. G. Seupelt; and
S. 2090. An act to provide for the advancement on the retired list of the Regular Army of Second Lieut. Ambrose I. Moriarty.

NEW YORK-CONNECTICUT BOUNDARY AGREEMENT

Mr. BRANDEGEE. Mr. President, there has been sent to the Presiding Officer a letter from the Governors of New York and Connecticut in relation to a boundary agreement, which I would like to have read at the desk.

The PRESIDENT pro tempore. The letter will be read as requested.

The reading clerk read as follows:

FEBRUARY 15, 1924.

To the PRESIDING OFFICER OF THE UNITED STATES SENATE,
Washington, D. C.

DEAR SIR: In the year 1912 the States of New York and Connecticut entered into an agreement respecting the boundary line between the two States. Same was approved on the part of the State of New York by chapter 18 of the laws of 1913, and on the part of the State of Connecticut by chapter 365 of the special laws of 1913. The governors of the two States were authorized to communicate to Congress the action of the two States on the subject and to request the approval of Congress of the boundaries thus established and monumented. Apparently this request has never been made. Such congressional action is now asked, and to that end a proposed form of bill is inclosed herewith.

Very truly yours,

ALFRED E. SMITH,
Governor of the State of New York.
CHAS. A. TEMPLETON,
Governor of the State of Connecticut.

Mr. BRANDEGEE. I introduce the bill which accompanied the communication just read, and ask that it be referred to the Committee on the Judiciary.

The bill (S. 3058) giving the consent of Congress to a boundary agreement between the States of New York and Connecticut was read twice by its title and referred to the Committee on the Judiciary.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of California:

A bill (S. 3059) granting a pension to Anna H. McCarter; to the Committee on Pensions.

A bill (S. 3060) authorizing a preliminary examination and survey of Humboldt Bay, Calif.; to the Committee on Commerce.

By Mr. CURTIS:

A bill (S. 3061) for the relief of Ralph Laymon (with accompanying papers); to the Committee on Claims.

A bill (S. 3062) granting a pension to Carrie Taylor (with accompanying papers);

A bill (S. 3063) granting a pension to Ida L. Van Nattan (with accompanying papers); and

A bill (S. 3064) granting an increase of pension to Ella L. Fox (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 3065) granting an increase of pension to Thomas Adams; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 3066) for the relief of Albert E. Magoffin; to the Committee on Claims.

By Mr. SHIPSTEAD:

A bill (S. 3067) for the relief of Tena Pettersen; to the Committee on Claims.

By Mr. DALE:

A bill (S. 3068) granting an increase of pension to Polly S. Pease; and

A bill (S. 3069) granting an increase of pension to Elizabeth Matten; to the Committee on Pensions.

By Mr. HOWELL:

A bill (S. 3070) to reestablish competition in railroad transportation rates as substantially in effect prior to the present increased railway rates and the enactment of the transportation act of 1920, popularly known as the Esch-Cummins law, by limiting the powers of the Interstate Commerce Commission to establishing and prescribing maximum rates only, with certain exceptions; to the Committee on Interstate Commerce.

By Mr. SHORTRIDGE:

A bill (S. 3071) to amend section 37 of an act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, as amended, by adding a proviso thereto relieving members of the Officers' Reserve Corps from the provisions of sections 109 and 113 of an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on Military Affairs.

By Mr. STANLEY:

A bill (S. 3072) to refund taxes paid on distilled spirits in certain cases; to the Committee on Finance.

By Mr. FRAZIER:

A joint resolution (S. J. Res. 111) providing that suit No. 33731 in the Court of Claims of the United States is hereby referred back to the Court of Claims of the United States with direction to consider and adjudicate the matters therein involved in the light of the intention of Congress; to the Committee on Indian Affairs.

RELIEF OF ARMENIAN, GREEK, AND SYRIAN REFUGEES

Mr. McNARY submitted amendments intended to be proposed by him to the joint resolution (H. J. Res. 180) for the relief of the distressed and starving women and children of Germany, which were referred to the Committee on Foreign Relations and ordered to be printed.

AMENDMENT TO NAVAL APPROPRIATION BILL

Mr. McKELLAR submitted an amendment providing that no money appropriated shall be expended for transportation on foreign vessels of officers, enlisted men, or employees under the jurisdiction of the Navy Department without a certificate from the Secretary of the Navy or other authority designated by him that there are no American vessels then available for the transportation of such officers, enlisted men, or employees, intended to be proposed by him to House bill 6820, the naval appropriation bill, which was ordered to lie on the table and to be printed.

RESTRICTION OF IMMIGRATION

Mr. WILLIS submitted two amendments intended to be proposed by him to the bill (S. 2576) to limit the immigration of aliens into the United States, and for other purposes, which were ordered to lie on the table and to be printed.

WISCONSIN BAND OF POTTAWATOMIE INDIANS

On motion of Mr. OWEN, the Committee on Claims was discharged from the further consideration of the resolution (S. Res. 205) referring to the Court of Claims the bill (S. 1907) for the relief of the Wisconsin Band of Pottawatomie Indians, and it was referred to the Committee on Indian Affairs.

HOUSE BILL REFERRED

The bill (H. R. 8143) for the protection of the fisheries of Alaska, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

TRIBUTE OF MARCUS A. SMITH TO WOODROW WILSON

Mr. STANLEY. Mr. President, there is no Member of this body who served with my late colleague, Senator Mark Smith, and knew him who did not love him. He was the last of a winsome and gallant type of whom Bayard Taylor so well said:

The bravest are the tenderest.

When nearing the end of his journey, within a few days of his last long sleep, he penned a letter to his niece, a loving, graphic, true picture of the great chief whom he followed "without variableness or shadow of turning." Among all the tributes ever paid to Woodrow Wilson I have read nothing more sincere or beautiful or more true. I ask unanimous consent of the Senate to have this letter of Senator Smith to his niece, touching the life and character and labors of Woodrow Wilson, printed in the RECORD as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INTERNATIONAL JOINT COMMISSION,
Washington, D. C., February 8, 1924.

Mrs. ELIZABETH H. SMITH,
Cynthiana, Ky.

MY DEAR LIZZIE: I am just in receipt of your interesting letter in which you so well express your sympathy with President Wilson through his long wasting illness and your admiration of his great service to our country and his sublime sacrifice in the service of mankind. I join heartily in every feeling you so well express.

Let me try to tell you how he impressed me, and the impress he has made on the minds of all men who studied him with friendly care.

Woodrow Wilson is dead, but his impressive example goes on for all time pointing to succeeding generations the true passway to the heights where the faith and glory of great unselfish service abides.

I knew him as well as he was known to any other Senator, and my admiration of the man had no bounds. His confidence in me, of which he gave conspicuous evidence, abides a dear memory as long as time with me shall last.

For his matchless intellect, his unselfish devotion to duty, his proud and ardent patriotism, his far vision, his big purpose, his clear sense of justice, his intense desire to be of service to his country and mankind, impelled my profound admiration for him as a man and boundless respect for the quality and tone of his public service.

His superb intellectual equipment, his love of justice backed by a noble courage to see the right prevail made him a great leader in any cause that engaged his heart and satisfied his judgment.

In his differences with honest, sensible men on a question of any importance he relied on reason and justice as his buckler and shield, and in such conflict there was none so adroit or strong as to pierce his armor or inflict a wound. Panoplied in the cause of right he met the greatest responsibilities with supreme confidence and audacious courage, and neither quality weakened under any strain that could be put upon it. These qualities likewise made him the great civilian Commander in Chief of our Army and Navy, enabled him to summon every able-bodied man and every resource of land and sea, machinery, and money to hasten the end of the last great war that earth should suffer. He failed in his sublime purpose, but by no weakness or doubt in him. Leading the moral forces of the world he fell on the field of Armageddon fighting for the Lord.

We speak of our martyr Presidents, every one of whom fell at the hands of crazy assassins, but in Woodrow Wilson we behold the soul and spirit, the suffering and sacrifice of a real martyr spending himself and dying for the greatest cause that ever thrilled the heart or engaged the mind of man.

He had ambition, but it was unstained by the selfish motive his enemies attributed to it. His ambition was of that noble quality and fine fiber desiring to serve his country and mankind and to leave behind him an honored name and a world made better and happier by his service.

He was the animating spirit of a great crusade, not to wrest the tomb of Christ from the hand of the infidel, but he staked his life and died trying to revive the mission of Him who came to bring "Peace on earth and good will among men."

He did not rush his country into war. He avoided it perhaps too long. He felt, and once said, that our sword should not be drawn until the approving smile of God would flash on its blade. At last finding appeals and protest of no avail, our national honor assailed, our flag insulted, the seas outraged, and civilization itself threatened, he went with a burning heart and pitying eyes into the vortex of awful war with the avowed and predetermined purpose to make it the last, by common consent of civilized nations, that should ever stain the earth with blood or moisten it with tears. This high well-known purpose gathered to him the hearts and hopes of a despairing world and placed him, for a time at least, on heights never before trodden by man.

What a world tragedy in his fall! It came after armed hostilities had ceased, but the lasting peace for which he strove was yet unsecured. With this great purpose unaccomplished he felt that the boundless blood and treasure had been spent in vain. The world had been only brutalized, not ennobled, by the holocaust. The great struggle had been transferred from the fields of France to the forum of America. One purchased seat in the Senate gave full control of Congress to his political opponents—among whom were jealous enemies, aided further by bitter personal enemies in his party—and the fight against the peace pact was immediately begun in bitter earnestness. This is not the time to go deeply into that matter. The fateful results are well known to a turbulent and unsettled world. With more reason the advocates of the treaty can lay the hungry, helpless, hopeless condition of the world to the timidity and selfishness of the one nation strong enough and with influence enough to have secured without material injury to itself the permanent peace of the world and the manifold blessings it would secure to civilized mankind.

The great heart, the wide vision, the alert mind of Woodrow Wilson are, let us believe, now enjoying that peace he so much loved. He did not live in vain. That peace among men for which he strove and died will come or civilization will perish from the earth. He has broken the trail for great hearts and nations to follow, and they will follow in numbers adequate to reach the goal. And when that day shall come, be it soon or be it late, the memory and example of Woodrow Wilson will remain crying as the voice of John in the wilderness of Judea, "Prepare ye the way; make straight the path of the Lord."

His aims, his purpose, his efforts, and accomplished facts will find a fadeless page in the history of his country and the world.

MARK SMITH.

DEALING IN COTTON FUTURES

Mr. CARAWAY. Mr. President, I wish to enter a motion to have the Committee on Agriculture and Forestry discharged from the further consideration of Senate bill 626.

I have discussed this question with the chairman of the committee, and it is entirely satisfactory to him. Therefore I wish to have the motion entered, and to-morrow I shall call it up, to have the committee discharged from the further consideration of that measure.

Mr. NORRIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Nebraska?

Mr. CARAWAY. I yield.

Mr. NORRIS. Let me suggest to the Senator that I think under the rule he ought to have his motion, which, as I understand, he has sent to the desk, read, and, as I understand the rule, after that has been done the motion should lie over for a day.

Mr. CARAWAY. I desire that the Secretary read the motion which I have entered.

The PRESIDENT pro tempore. The Secretary will read the motion as requested.

The reading clerk read as follows:

MOTION TO DISCHARGE COMMITTEE

I hereby enter a motion to discharge the Committee on Agriculture and Forestry from the further consideration of the bill (S. 826) to prevent the sale of futures in the cotton market.

T. H. CARAWAY.

Mr. CARAWAY. Mr. President, I wish merely at this time to say this: The first bill which I introduced in the Senate, as I now recall, after I became a Member of the Senate was this bill. Extensive hearings were had on it. The bill went over for two years, and I then reintroduced it. I may not know the sentiment of the committee as a whole, although I think I do; but there are one or two members of the committee who have prevented us from ever having a vote on the bill. I wish to get the bill on the calendar so that we may have an intelligent discussion of it, where everybody will be able to understand what the measure is, what the objections to it are, and what the reasons for its passage are.

I am not willing, Mr. President, that people who speak for one particular interest, if gambling be an interest, and it seems to be in some people's consideration of a great deal more importance than agriculture, shall sit always behind closed doors and prevent intelligent, open discussion of this matter.

The bill as originally introduced included grain. I am willing to yield to the opinion of those who know most about grain, and I supported the measure which they advocated because I take it for granted that one ought to know more about agriculture that is peculiar to his section of the country than outsiders know. I do know, however, that under the present system agriculture is being destroyed. Some of us believe that gambling in futures is one of the agencies that are destroying it. I want, therefore, an opportunity to have an intelligent discussion of the matter. I want those who think that certain interests ought to be protected in their alleged right forever to grow rich out of the sweat of the brow of those people who produce what we eat and wear—I want a chance to make them make their declaration in the hearing of all the people. I want the farmers to know whether the New Orleans and New York cotton exchanges are more sacred or more worthy of protection and therefore more influential than are the people who produce the corn, the wheat, and the cotton of the Nation.

The PRESIDENT pro tempore. The motion of the Senator from Arkansas will be entered.

LEIA, GERSCH, AND CIVIA LIPMAN

Mr. KENDRICK. Mr. President, I introduce a joint resolution and ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The Secretary will read the joint resolution for the information of the Senate.

The joint resolution (S. J. Res. 110) to admit Leia, Gersch, and Civia Lipman, three Russian orphan children, to the United States, was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That Leia, Gersch, and Civia Lipman, three Russian orphan children, now detained at the port of New York, be admitted to the United States, and that the immigration authorities of the United States permit the said Leia, Gersch, and Civia Lipman to enter the United States without regard to the immigration restrictions of law.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the joint resolution?

Mr. KENDRICK. Mr. President, I should like to offer a word of explanation. Among all of the widespread tragedies

of the World War, I know of no single instance that has ever contained more of the element of pathos than the particular case which the joint resolution which I have introduced is designed to cover. The joint resolution concerns three little Russian children who have been detained in the port of New York since December, 1923. Both parents of those children perished by starvation during the famine in Russia. The father of the children had two brothers in this country, one of whom is a very much respected citizen of my town. The other brother lives in Pittsburgh. Both men are well-to-do and are easily able to take care of and provide for these children.

I may say that while the famine in Russia existed the brothers here in this country were making every possible effort to extend aid and assistance to their brother there. Those efforts, however, were ineffectual, so that the parents of these children perished of starvation, the one within a week of the other. After the death of the children's parents the brother and his wife living in my town of Sheridan and who were themselves childless, mutually agreed it would relieve their minds and lessen their grief to adopt, provide for, and become the parents of these orphan children. So under that arrangement, supposing that the children could be admitted, they sent them the means with which to reach this country. It happened that in the same family there were four or five children all told, including one who was nearly grown. In the confusion at Riga, the port of embarkation, the three smaller children were separated from the older sister and, thus cast adrift, these little waifs made the long journey quite alone and unattended and have been alone ever since. Within the past few weeks one of the children has been critically ill and the other two, the eldest of whom, I believe, is about 10 years of age, have been trying to care for the youngest one, who is probably 6 years old. The only possible protectors on earth that these little waifs have are the two uncles in this country, one of whom, as I have said, is a citizen of my town and one of my friends. He has legally, so far as the law of my State goes, adopted these three children and is anxious to have them come to him to be educated.

Mr. WILLIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Ohio?

Mr. KENDRICK. I yield to the Senator from Ohio.

Mr. WILLIS. I wonder what the Senator would say as to this situation: I suppose I have in my files at least 25 cases which, while they are not exactly like the one brought to the attention of the Senate by the Senator from Wyoming, are as heart-rending in their character. Does the Senator think that the way to solve the immigration problem is to introduce joint resolutions and have them considered upon the floor of the Senate without reference to the committee or without reference to existing law? Does he not think that it would totally break down our immigration system if we undertake to handle the question in that way?

Mr. KENDRICK. Mr. President, I have no thought of withholding the joint resolution from the committee and have no disposition to do so if the Senator requires that it should be so referred, but this is a very urgent case. I wish to say here, so that there may be no mistake about it, that I do not consider this the best way to legislate. The proper way to correct this particular situation is provided in the bill which is now under consideration by the Senate, to have the visas of immigrants taken care of at the port of embarkation and not in New York. I wish, however, to disabuse the Senator's mind of any thought of this being an ordinary case.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Pennsylvania?

Mr. KENDRICK. I yield.

Mr. REED of Pennsylvania. Mr. President, the Senate took action on a similar resolution offered by the Senator from New Mexico [Mr. JONES] by referring it to the Committee on Immigration, and I think the joint resolution introduced by the Senator from Wyoming should likewise go to that committee. While I am not authorized to speak for the whole committee, I will assure the Senator that we will try to secure for the joint resolution early consideration.

Mr. President, may I add also that if the Senate is going to set the precedent of admitting immigrants in special cases by resolutions of this sort, the work of the Senate will be very much retarded, because every Senator here will have hundreds of such applications. I am sure, like the Senator from Ohio [Mr. WILLIS], I have applications over in my office affecting over a hundred such immigrants. Yesterday one came in, a

similar case of hardship to the one brought to the attention of the Senate by the Senator from Wyoming. The only reply that I could make was that if the relatives in America were able to support them, they ought to support them abroad until the new quota opens up on the 1st of July. It is going to embarrass the Senate very much if we take special action for the benefit of particular individuals. I ask that the joint resolution may be referred to the Committee on Immigration.

Mr. NORRIS. Mr. President, will the Senator from Wyoming yield to me?

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Nebraska?

Mr. KENDRICK. I yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, it is admitted, of course, that under the rules the joint resolution ought to be referred to the committee, but I think everyone admits that reference to the committee means delay. I myself am willing to violate a rule in a case like this, which must appeal to every person who has a heart. Here are, as I understand, three little children, all, as I am advised, under 10 years of age, and the youngest one 6—

Mr. KENDRICK. That is correct.

Mr. NORRIS. Whose father and mother both perished by starvation in Russia.

They have been in New York since some time in December of last year. They have an uncle and an aunt in the State of the Senator from Wyoming who are amply able to take care of them, and who, by the way, are childless, to whose home there have never come any children. Those who have had children realize what must be the yearning of the uncle and the aunt, who are childless, for these little waifs now in New York. They are anxious to adopt them and take them into their home; and yet, because of the technicalities and the cruelties of our law, they run up against a stone wall. They can not get those children.

There is not any question of their becoming public charges. So far as I am concerned, it seems to me that when we are confronted with a case of that kind they ought to come in, even if we know in advance that they are going to be public charges. We can not turn our back to suffering of that kind—little children who are innocent of wrong and who are here at our doors asking to be taken in. It seems to me that if I were an official of the Government who had to pass on a matter of that kind I would find some way to let them in, even if I violated the law to do it. I would expect the accusing angel to drop a tear on it and blot it out forever.

Mr. COLT. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Rhode Island?

Mr. KENDRICK. I think I should yield first to the Senator from Arkansas [Mr. ROBINSON].

Mr. COLT. I simply desire to say that I concur in every word that the Senator from Nebraska has said. I am familiar with the facts of this case, and I think it is a case of such a tragic nature that we ought to make an exception to the law. I hope that the Senate will immediately consider this particular measure. I would not say this under ordinary circumstances, and I am not going into the details of the facts of this case, which have been recited by the Senator from Wyoming.

Mr. KENDRICK. Mr. President, I just want to say, in connection with this matter, that the Senator from Rhode Island [Mr. COLT] has occasion to know all about the case. I have talked with him about it in detail. The case has been here, and appeals have been made for weeks and months in regard to it. I have hesitated to bring it to the floor of the Senate because of the very reason pointed out by the Senator from Ohio and the Senator from Pennsylvania. I have not considered this the way to legislate; but there is no longer any doubt in my mind whatever on two points: This is an absolutely unique case. It is an easy thing to establish a precedent here that will be abused later on; but this is not going to be followed by any great number of cases of this kind, because it is in a class by itself.

Mr. ROBINSON and Mr. WILLIS addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Wyoming yield; and if so, to whom?

Mr. KENDRICK. I yield to the Senator from Arkansas.

Mr. ROBINSON. Of course, under the rules, if any Senator objects, action can not be immediately taken upon the joint resolution proposed by the Senator from Wyoming; but I wonder if the Senator from Pennsylvania [Mr. REED] and other Senators who have indicated a disposition to postpone final

action upon this joint resolution will not reflect that these helpless children have been waiting for admission at New York for a period of three months.

Mr. KENDRICK. Nearly four months.

Mr. ROBINSON. Nearly four months, as I am reminded by the Senator from Wyoming. I wonder if any Senator can conjure up, by the widest stretch of his imagination, the slightest detriment that can come to the people of this country through the exercise of an act of humanity in the admission of these three children?

Mr. KENDRICK. Mr. President, will the Senator yield right there?

Mr. ROBINSON. I yield to the Senator from Wyoming.

Mr. KENDRICK. These children are destined to my home State of Wyoming—a State of 96,000 square miles, 66,000,000 acres of land, and 250,000 people.

Mr. ROBINSON. In addition to that, under the statement made by the Senator from Wyoming, there is not the slightest likelihood that any one of these three children will ever become a charge upon the public. Waiting for them now out in Wyoming are relatives whose feelings of sympathy and tenderness make them anxious for an opportunity to discharge those duties and to perform those services which are prompted by human sympathy and kindly feeling in the breasts of relatives, no matter what their race or situation.

Mr. KENDRICK. As already said, if the Senator will permit me, these relatives in my town are the only parents or protectors these little waifs have on the face of the earth.

Mr. ROBINSON. What will be the result if this joint resolution goes to the committee and is not reported and acted upon? Who can picture the misery and the suffering which will be experienced by these helpless ones and by those who are merely seeking an opportunity to take care of them?

Fortunately the pending immigration bill will provide against the recurrence of such instances; but let me say to the Senator from Ohio and the Senator from Pennsylvania that if they have cases similar or closely analogous to the one presented by the Senator from Wyoming it would be an act of generosity and of human kindness on their part to present joint resolutions for relief in their cases, and they will find other Senators ready to respond promptly to their appeals for assistance.

Mr. SWANSON. Mr. President, if the Senator will permit me—

Mr. ROBINSON. I yield to the Senator from Virginia.

Mr. SWANSON. The only objection urged against this joint resolution is that there are other cases of the same general kind. What better work can the Committee on Immigration do than to eliminate the harshness of the immigration law? We have a Pension Committee. There are certain cases where the general pension law works harshly on deserving and brave soldiers, and the committee reports special bills to cover those cases. We have a Committee on Claims; and where the general claims law in regard to bringing suit works hardship on claims they are considered individually.

If the facts in this case are as they are stated to be, why should it be necessary to refer the joint resolution to the Committee on Immigration? If the immigration law works hardship in cases like this, it ought to be corrected. I have had occasion to examine into this matter and have heard it, and as a result of that examination I do hope that Senators will not object to the consideration of the joint resolution, because we do the same thing in various cases. We do it in regard to pensions; we do it in regard to claims; we do it in every committee in the Senate—make special provision for cases where hardship is worked under the general law.

Mr. ROBINSON. What will be accomplished by referring this joint resolution to the committee? The object of referring proposed legislation to committees is that full information may be obtained for the use of the Senate, the Senate itself being unable to make investigations into the details of proposed legislative measures. What will be accomplished by referring this joint resolution to the committee, since the Senate now is in possession of all the facts pertinent to the case?

Mr. NORRIS. Mr. President—

Mr. ROBINSON. I yield to the Senator from Nebraska.

Mr. NORRIS. With the permission of the Senator from Arkansas, I should like to call further attention to the fact that the Senate has now had before it for several days, and will have before it for several days to come, a bill of very great importance that comes from the Committee on Immigration; and it will be a physical impossibility for that committee while this general bill is pending in the Senate, to go into the details of any proposed legislation if it were referred to them. Necessarily, therefore, if they make any investigation, it will

mean long delay, because we can not expect them to take up these things while this bill is pending here.

Mr. ROBINSON. But, in addition, the point I am making is that there is no necessity for an investigation, because the Senate now is in possession of the facts. The Senate can very well rely upon the statement of the Senator from Wyoming for accuracy in connection with this matter. He has shown to the Senate that he is fully familiar with it; that he has been making a study of it for the last three or four months; and we have here the pitiable spectacle of three helpless children waiting at the port of New York, of relatives in the far West anxiously waiting for an opportunity to take care of them, and of the Senate of the United States insisting upon a further delay before relief can be afforded.

There is not a Senator in this body who will vote against this joint resolution if it comes to a vote. There is not a Senator in this body who would steel his heart against the appeal which such circumstances make to human beings everywhere. Then why not vote on the joint resolution now? Let the Senator from Ohio [Mr. WILLIS] bring forward his joint resolution, if he has a similar one, and he will find me equally prompt to respond and to assist him in securing its passage.

Mr. KENDRICK. Mr. President, the Senator from Arkansas has presented the case just as I would have it. I should like to have the Senate vote now on this joint resolution, as to whether or not it will admit these three orphan children; and I say to you now, as I have already stated—I want to make it plain—this is not an ordinary case. I would have had nothing whatsoever to do with this appeal if I had had any doubt in the world about the legitimate relationship of these children. They have been legally adopted as the children of these people in my home town according to the laws of guardianship in my State, and the uncle and the aunt are waiting for them.

Mr. President, I have said about all that I care to say, and about all there is to say. It is a simple case, and it is one about which there is no mistake as to the facts. There is no disposition to impose upon this Government in asking that these children be admitted. They come here in perfectly good faith, through funds sent to them by their foster parents here in this country—the only parents they have, their uncle and aunt—who, as the Senator from Arkansas has already pointed out, are themselves childless. There is nothing in the way of a "fake" in connection with it. It will not establish a dangerous precedent, for two reasons:

First, we are going now to provide in the legislation just coming up and of which I am strongly in favor for these visés at the port of embarkation. The next reason is we will not find very many cases in which the relationship is anything, probably, but assumed. Here is an actual relationship. These are orphan children, and their foster parents are here, the only parents they have; and I should like to have a direct vote of the Senate on the joint resolution this morning.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me?

Mr. KENDRICK. I yield for a question.

Mr. REED of Pennsylvania. In view of the statement made by the chairman of the Committee on Immigration, I do not feel inclined to insist on my objection, but I do want now to give warning to Senators that in passing such a measure as the one they are evidently intending to pass they are opening the sluice gates for similar applications. It will come back to haunt them.

Mr. KENDRICK. Does the Senator believe that that can occur in the future under the provisions of the immigration bill which is now before the Senate for our consideration?

Mr. REED of Pennsylvania. I hope that that will very much diminish it; but any general rule works hardship. You can not get away from it. Only yesterday I received a petition from an American citizen who has five destitute relatives in the city of Danzig. They can not get visés to their passports. They are threatened with starvation and with deportation from Danzig back into Russia, where Heaven only knows what will befall them. We will get these cases by the hundreds. This is a case with which everyone must sympathize. I am not going to impede the passage of the joint resolution, but I warn Senators now that they are making trouble for themselves.

Mr. WILLIS. Mr. President, the Senator from Pennsylvania [Mr. REED] has said substantially what I had in mind to say. Of course, I am deeply moved by the recital of facts given by the Senator from Wyoming [Mr. KENDRICK], and I do not question the facts that he states. I do think, however, that the Senate will get itself into a very difficult situation if this is to be taken as a guide in future cases, because, as the Senator from Pennsylvania has said, there are hundreds of

cases not exactly like the one before us but almost equal in their appeal.

As an illustration of what is likely to take place, it is now nearly 1 o'clock; we have used an hour in discussing this matter. I do not complain about it, because it is a case of humanity, but if every case which appeals to a Senator is to be brought here and discussed in the Senate we will not get very much more done. I shall not object to the Senator's request, but I do think it is not good policy and that the joint resolution should have gone to the committee.

The PRESIDENT pro tempore. The Chair feels that the debate has gone on far enough, and the Chair again asks, Is there objection to the request of the Senator from Wyoming?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROSECUTION OF CLAIMS BY EX-OFFICIALS (S. DOC. NO. 84)

The PRESIDENT pro tempore. The Chair lays before the Senate a letter from the Secretary of the Interior transmitting a report made in pursuance to Senate Resolution 175, calling upon the executive departments of the Government to disclose the names of former Senators and Government officials who have appeared as attorneys before the departments. The Chair is unable to determine to what committee it should be referred or what disposition should be made of it, and submits the matter to the Senate.

Mr. NORRIS. I would like to have the Secretary read the letter, and then we can determine what course shall be taken.

The PRESIDENT pro tempore. The Secretary will read the letter.

The reading clerk read as follows:

THE SECRETARY OF THE INTERIOR,
Washington, April 9, 1924.

THE PRESIDENT PRO TEMPORE OF THE SENATE.

SIR: I have the honor to acknowledge the receipt of the resolution of the Senate dated February 26, 1924, requesting the following information:

"Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish the Senate the following information:

"1. Give the name of any ex-Member of the House of Representatives or of the Senate, or any ex-Cabinet officer, who, within two years after he had served in the House or the Senate, or held official position as head of one of the departments of the executive Government, and who, since the 1st day of January, 1918, has appeared as attorney or agent, or who is a member of any firm or partnership appearing as attorney or agent, before the Department of the Interior or any of its bureaus, divisions, or subdivisions, in advocacy of any claim of any kind against the Government of the United States.

"2. If there has been any such appearance, as outlined in paragraph 1, then give in full and in detail the nature of the claim; the amount of money involved; the amount of money, if any, allowed such claimant; and the final disposition of the matter involved.

"3. If there has been any correspondence between the Interior Department or any of its branches, divisions, or officials, and any of the persons described in paragraph 1, in relation to the subject matter outlined in paragraph 1, then supply the Senate fully with all such letters or copies thereof."

An examination of the records of the Department of the Interior, its bureaus and offices, has failed to disclose the name of any ex-Member of the Senate or any ex-Cabinet officer who, within two years after retiring from office, and since the 1st day of January, 1918, has appeared before the department as attorney or agent, or who has been a member of any firm or partnership appearing as attorney or agent before the Department of the Interior, its bureaus and offices, in advocacy of any claim against the Government of the United States, except in the Office of Indian Affairs, the Bureau of Reclamation, the Bureau of Mines, and the War Minerals Relief Commission. Reports from these activities of the department embodying the data called for by the resolution, as shown by the record of their offices, respectively, are herewith transmitted.

In consequence of the remarks of Senator NORRIS in the CONGRESSIONAL RECORD of March 1, 1924, relative to eliminating from consideration under the resolution ex-Members of the House of Representatives, I have caused no examination of the records of the Department of the Interior to be made with a view to ascertaining whether ex-Members of the House of Representatives have appeared as attorneys in support of claims against the Government, and no examination has been made of the records of the Pension Office, the Patent Office, or the local land offices. Should a report with respect to the

ex-Members of the House of Representatives be requested, or data from the records of the Pension and Patent Offices and local land offices be desired, I shall endeavor to furnish the information.

There is herewith transmitted a copy of a letter dated March 3, 1924, addressed to the various bureaus and offices of the department advising them as to the requirements under the resolution, together with copies of the lists of names of ex-Members of the Senate (exclusive of those Senators who died while in service), as well as ex-members of the Cabinet since January 1, 1916, and also lists of ex-Members of the Senate and of ex-Cabinet officers since January 1, 1916, showing their membership in firms.

Respectfully,

HUBERT WORK.

Mr. NORRIS. Mr. President, there were similar reports from two heads of departments a few days ago, and I think in those cases the reports were printed as Senate documents. In this letter of transmittal the Secretary of the Interior says that he incloses a communication directed to the heads of the bureaus of that department, giving a list of the Members of Congress. I do not care to have that printed, because it would be of no use whatever, but I ask that the letter of transmittal, together with the other information called for by the resolution, be printed as a Senate document.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

WAR FINANCE CORPORATION LOANS

Mr. GOODING. Mr. President, at this time I rise to a question of personal privilege. In the World, a great newspaper published in New York City, in the edition of Thursday, April 10, 1924, is an article on the first page, the first column, which charges favoritism by the War Finance Corporation to myself and some of my friends and also to Senator STANFIELD. It says that Senators GOODING and STANFIELD and friends together borrowed \$1,052,000 from the War Finance Corporation. I ask that the article be read. At the end of the reading I shall offer a resolution.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Secretary will read.

The reading clerk read as follows:

FAVORED FEW GOT 1921 FEDERAL AID, IDAHO GRANGE CHARGES—SHOW SENATORS GOODING AND STANFIELD AND FRIENDS BORROWED \$1,052,000, BUT 42,000 FARMERS COULD NOT GET A PENNY—SENATORIAL INVESTIGATION OF MATTER DEMANDED—ACCUSED DENY ANY IRREGULARITY AND INSIST ALL LOANS HAVE BEEN PAID IN FULL

[From World Staff Correspondent, Special Dispatch to the World]

BOISE, IDAHO, April 9.—Voicing the bitterness and suspicion of dirt farmers throughout the Northwest, the Pomona Grange of this State to-day made public resolutions charging that Federal aid, intended for farmers generally throughout this section in the hard times of 1921, chiefly benefited banks and large cattle men, including two United States Senators and their relatives, friends, and business associates.

DEMANDS INVESTIGATION

The resolutions demand a senatorial investigation of the War Finance Corporation, which, during the last three months of 1921 and during 1922 and 1923, distributed the agricultural loans authorized by Congress in August, 1921.

In the prospect of these loans 43,000 farmers in this State saw the shining light of hope. They had stored huge quantities of alfalfa, their chief crop, but could not sell it because of high freight rates to some markets and quarantines in others. Federal loans offered a solution. They would buy cattle and thus transform the accumulated hay into marketable food.

NO MONEY FOR FARMERS

That was the picture. The bitterness with which farmers here for three years have regarded the actuality is for the first time expressed publicly and officially by the Pomona Grange, which charges that small farmers, dairymen, and livestock owners were unable to borrow a dollar of Federal money.

There may be nothing legally, or even morally, wrong in such grouping of Government-supplied capital in the hands of a powerful few, but that it was ethical is disputed even by Senators themselves. The purpose of extending the law, according to many of its official sponsors, was clearly for general relief of hard-pressed farmers and this, they hold, was defeated in failure to insure widespread distribution of loans.

Coincident with the formal action by Pomona Grange independent investigation in this State by The World reveals that Senator FRANK R. GOODING, of Idaho, and Senator ROBERT N. STANFIELD, of Oregon, Republicans, who advocate Federal aid, and interests closely allied with them benefited through Federal loans of at least \$1,052,000 in 1921. This is more than one-fifth of the total loans in Idaho during

1921, 1922, and 1923. There is no suspicion as to the regularity of these loans, but they do show how large interests benefited to the exclusion of others.

In addition, the Stanfield interests are shown to have borrowed \$8,872,154 in 1921 from the Portland (Oreg.) Cattle Loan Co. Senator STANFIELD is a director of this company, which farmers here call "a Swift concern," because of its supposed alliance with the Swift packing interests.

The Portland Cattle Loan Co., according to Oregon's secretary of state, is capitalized at \$1,400,000 and had a surplus of \$200,000. It was one of the intermediary loaning agencies of the War Finance Corporation, but available records do not show differentiation between loans of its own funds and loans of Federal money.

Although the company advanced more than \$8,000,000 to the Stanfield interests, it should be noted, however, that official reports of the War Finance Corporation show a total of only \$4,853,413 was advanced to livestock loan companies in Oregon during 1921-1923, and that this was divided among seven companies.

LOANS TOTAL \$5,028,987

The total of all Federal farm-aid loans in Idaho for the three years was \$5,028,987, distributed through 38 institutions or agencies. The loans of \$1,052,000 to the Gooding and Stanfield interests are shown by county records to have been made during the last three months of 1921. At that time the total of such loans for the entire country was \$82,960,708.

In fairness it should be pointed out that Senators GOODING and STANFIELD for many years have been large farmers and livestock owners and that in the ordinary conduct of their business they have been accustomed from time to time to borrow large sums from banks and cattle loan associations.

RESOLUTIONS SENT TO WHEELER

The grange resolutions were sent to Senator WHEELER, of Montana, who is complimented for his "splendid work in the Daugherty case." The resolutions add:

"It is generally known that vast sums of money were loaned by the War Finance Corporation to United States Senators and their relatives, friends, and business associates; and other vast sums were loaned to the big cattle and sheep companies operating in this State, while actual farmers, dairymen, and small livestock owners were unable to procure a dollar of these funds: And therefore, be it

"Resolved, That we, as a grange, demand of the United States Senate and the House of Representatives that a complete and thorough investigation be made of the War Finance Corporation, as was done in the Teapot Dome scandal, and that the investigation be so conducted that it will bring to light all the facts concerning the loans made by this corporation, to whom made, in what amount, and on what security; be it further

PUBLICITY DEMANDED

"Resolved, That all the facts thus ascertained be given to the public through the press, to the end that the farmers of Idaho and probably other States who were denied loans by the War Finance Corporation in order that the big packers and livestock interests, United States Senators, and other politicians might get the funds that were intended to help the farmers of the United States may be advised; be it further

"Resolved, That a copy of these resolutions be sent to Senator WHEELER, of Montana, whose splendid work in the Daugherty case we commend, and that Senator WHEELER be urged to secure at an early date as thorough investigation of the War Finance Corporation as he made of the Daugherty case; that this investigation be started as soon as possible, and the facts brought out to be given the fullest publicity."

For the East to understand the 1921 situation here and the bitterness resulting therefrom it must be pointed out that alfalfa, a hay which continues to grow season after season once it has been planted, is the chief Idaho crop. On the sale of this hay for livestock fodder the incomes of thousands of farmers depend. Much the same condition prevails in adjacent States.

1921 CROP WORTH \$26,000,000

Idaho's alfalfa crop in 1921 was estimated to be worth \$26,000,000, but very little of it could be sold. In addition 50 per cent of the 1920 crop was left on hand. Freight rates to some markets east of the State were regarded as prohibitive. Other States refused to permit the entrance of Idaho alfalfa because of the presence of a weevil.

This difficulty was aggravated by a general agricultural depression which gripped all farmers, livestock owners, and banks serving farm interests. In 1920, when prices of farm products were high, the banks had made thousands of loans, secured by chattel mortgages on farm products.

As the value of these products declined in 1921, the banks found themselves overloaded with farm paper. They not only were not in-

clined to make new loans for agricultural purposes, but wondered how some of the old would be paid off at maturity. With these tangible troubles, intensified by the psychological effect of general lack of confidence, both banks and farmers desperately needed aid.

Much the same situation existed in all agricultural States. When there was talk of Government aid through an amendment to the War Finance Corporation act, there was general rejoicing here. Idaho farmers, carrying a staggering weight of alfalfa, leaped to the conclusion they could soon borrow money from the Government, buy livestock with it, and feed the livestock on the troublesome alfalfa.

BOTH SENATORS AIDED LOAN

Senators GOODING and STANFIELD were conspicuous champions of the measure extending Federal aid. Their activities in its behalf commanded the admiration and commendation of all farmers in this section.

Farmers and farm publications at once sought information as to how to go about obtaining loans, but even after Federal aid was authorized, grange officers and others charge, directions as to procedure were difficult to obtain.

The amended law specifically confines War Finance Corporation loans to banks and other financial institutions which had advanced money for agricultural purposes and to loan associations which had advanced farm loans. It says the amount advanced to such an institution must not exceed the total amount it had loaned for agricultural purposes. It does not allow the War Finance Corporation to make loans to individual farmers.

In administration of the funds regional committees were appointed. These usually consisted of prominent bankers. The banks thus represented were directly affected through their own agricultural loans. The committees passed on loan applications and security offered before the corporation made final allotments. Here the committee was headed by Crawford Moore and John Thomas. It is a sparsely settled State. Naturally they knew Senator GOODING.

LITTLE FARMER WAS LEFT OUT

The little farmer—and there are 43,000 such in this State—knew little of the methods used. He did know that large loans were being made and that he was not getting them. He believed the purpose of Congress was to aid all farmers. When this did not come about his suspicion was not lulled by speculation as to whether the failure rested on the law or its administration.

All around the section there were reports that the small farmer, unable to borrow money with which to tide himself over the hard spell, was being forced to sell his alfalfa at low prices to large livestock owners. These, he heard, had been able to borrow Government money and had bought more livestock with it.

There was a report that a United States Senator had bought up lambs when the market price was low and that, financing this operation on a War Finance Corporation loan, he sold a few months later, making a tidy fortune on the deal.

The farmer had heard that Senator STANFIELD was allied through his sheep companies with the Swift packing interests. He knew that a Swift representative was in charge of the Weiser, Idaho, offices of the Stanfield sheep concern, transacting business for the company, and even signing checks.

FARMERS SEEK AID OF BORAH

Facing what they called "a conspiracy of silence" various grange organizations turned to Senator WILLIAM E. BORAH, who is greatly respected here, asking that he obtain for them information about the loans. He reported that Eugene Meyer, jr., managing director of the War Finance Corporation, had told him no public record would be made of individuals or corporations who had borrowed the Government money.

Out of the welter of suspicion and ill-feeling, investigation shows that the Portland Cattle Loan Co. loaned \$3,882,874 to the Snake River Valley Livestock Co., of which Senator STANFIELD is a director; \$4,013,280 to the Crane Creek Sheep Co., a Stanfield concern, and \$978,000 to the R. N. Stanfield Co., the Senator's own concern.

As said before, there is nothing to show how much, if any, of this represented War Finance Corporation money.

MORE LOANS TO STANFIELD

County records in Idaho show a War Finance Corporation loan of \$250,000 made to Stanfield interests in Washington County, November 1, 1921, and assigned to the War Finance Corporation January 23, 1922. In the same county \$170,000 was loaned Stanfield interests May 4, 1922, and assigned to the War Finance Corporation May 25, 1922. In Canyon County there was a loan of \$250,000 made November 17, 1921, and assigned to the War Finance Corporation January 23, 1922. This makes a total of \$670,000 directly traceable.

The record of Senator GOODING, his concerns and family interests, showing mortgages reassigned to the War Finance Corporation, reveals the following loans:

Thomas H. Gooding (son of the Senator), and Crane & Gooding, \$111,000, in Gooding County, Idaho; Crane & Gooding and F. W. Good-

ing (the Senator's brother), \$34,000, \$57,000, and \$60,000, in Blaine County; Novinger & Darrah Sheep Co. (Mrs. Novinger is a sister of Mrs. F. W. Gooding), \$30,000, Blaine County; in the same county \$60,000 for F. W. Gooding & Sons, and \$30,000 for Novinger & Darrah Sheep Co., making the Gooding family grand total \$382,000.

OTHERS ARE REFUSED LOANS

At least one instance in which others could not obtain loans is told by W. T. McCall, now in California, who in 1921 was county agent for Canyon County, Idaho's best dairy zone.

He wished to obtain Federal money with which to buy 3,000 dairy cows, but appealed in vain, he said, to banks and local loan associations which were distributing War Finance Corporation money.

"We went to the banks," he explained, "and the bankers told us quite frankly that they were going to loan the War Finance Corporation money to the farmers and cattlemen who owed them big sums."

"In other words, they proposed to use this money to satisfy loans already made. They told us that after the existing farmers' loans had been shifted from their shoulders to those of Uncle Sam we should come to them and they would loan us money at the usual rate—10 per cent."

The loans offered on this basis would run for the usual 30, 60, or 90 day periods. The War Finance Corporation loans were authorized to run one year, with extensions up to three years. The usual interest paid was 6 per cent.

That few, if any, loans went to small farmers is vouched for by W. W. Russell, a prominent member of various Idaho granges.

NO UNITED STATES MONEY AVAILABLE

"I have made diligent inquiry," he said, "and, so far as I have been able to learn, not a single dirt farmer or dairyman got a dollar of the War Finance Corporation money except on frozen securities. By this I mean a few farmers who owed the banks were in effect beneficiaries of loans from the War Finance Corporation, these loans being used to pay the banks what the farmers owed the banks."

"In brief, the situation was just this: The doubtful security was shifted from the banks to the War Finance Corporation and the banks got theirs. They received 100 cents on the dollar from the War Finance Corporation for their bum loans. Then the War Finance Corporation was left to hold the bag."

It is expected that Washington, Oregon, and other States will undertake action similar to that started here, although no definite plans have been announced.

Mr. GOODING. I offer the resolution which I send to the desk.

The PRESIDING OFFICER (Mr. McNARY in the chair). The resolution will be read.

The reading clerk read the resolution (S. Res. 208), as follows:

Resolved, That the President of the Senate pro tempore is authorized to appoint a special committee of three Members of the Senate to investigate and report to the Senate as soon as practicable the facts in respect of the activities of the War Finance Corporation in distributing loans and advances for agricultural and livestock purposes in the State of Idaho, and particularly any alleged favoritism shown in such distribution to FRANK R. GOODING, a Senator from the State of Idaho, or any member of his family, or any of his business associates.

The committee is authorized to hold hearings, to sit during the sessions and recesses of the Sixty-eighth Congress, and to employ such stenographic and other assistants as it may deem advisable. The committee is further authorized to send for persons and papers; to require by subpoena the attendance of witnesses, the production of books, papers, and documents; to administer oaths; and to take testimony. Subpoenas for witnesses shall be issued under the signature of the chairman of the committee. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee shall be paid from the contingent fund of the Senate.

Mr. GOODING. Mr. President, when a great paper like the New York World sends its agents out over the country searching for some one whom they may besmirch, I am inclined to think that the Senator who is attacked is entitled to have the charges which that paper makes investigated. There is not any question of doubt that the farmers very generally were disappointed in the benefit which they received from the operations of the War Finance Corporation. The Congress has never enacted any legislation by means of which the Government may go directly to the farmer with loans, unless it may be under the farm loan act, and even under that act the loans have to be made through an organization.

I do not know what the War Finance Corporation may have done in other States, but it has done a great service to the

farmers of Idaho, especially to many of the small farmers of my State, and I am particularly proud of the part that I have played in bringing that result about. In my home county and the adjoining county Mr. John Thomas, the president of the bank, in which I am interested, being a director, and Mr. R. E. Shepherd, of Jerome, were the chief factors in establishing a corporation that has put out in those two counties somewhere between 3,000 and 4,000 dairy cows.

In some instances one cow has been sold to a farmer, and from that up to as many as 6, 8, or 10 cows, the bank advancing the money, then organizing a corporation so as to be able to secure funds from the War Finance Corporation and thus making it possible to bring into that section of the country blooded stock, to establish dairies and cheese factories and similar enterprises. That action has possibly done more to rescue that part of Idaho from the serious condition which existed there and to bring it out of that situation than anything which has ever happened in my State.

In the southeastern part of Idaho the bankers, together with the bankers of Salt Lake City, Utah, organized a corporation, and secured funds from the War Finance Corporation, the banks being responsible to the Government for the loan, with other members of the corporation. I do not know how much money they loaned there, but a great deal of money was loaned to the farmers.

Now, Mr. President, I wish to read the amount of money that the Gooding family borrowed from the War Finance Corporation. When I say "Gooding family" I refer to myself and two brothers of mine whose interests are entirely separate from my own. I have nothing more to do with their affairs than has a stranger. To F. W. Gooding & Son there was advanced by the War Finance Corporation \$35,000 on November 29, 1921. That loan was paid on June 5, 1922. The War Finance Corporation advanced to F. W. Gooding & Son \$60,000 on March 16, 1922, and that loan was paid on August 9, 1922. That closed all the loans received by F. W. Gooding & Son from the War Finance Corporation. Since that time they have not had anything advanced to them and do not owe the corporation anything.

To Crane & Gooding—that is my company, a company in which I was interested but in which I disposed of my interest—the War Finance Corporation advanced \$34,000 on December 22, 1921. That advance was paid on September 9, 1922.

On April 25, 1922, the War Finance Corporation advanced to Crane & Gooding \$23,000. That loan was paid on October 16, 1922. That closed the account of Crane & Gooding with the War Finance Corporation and not a dollar has been borrowed since that time.

To T. H. Gooding, who is a brother of mine, the War Finance Corporation advanced \$15,000 on the 7th of January, 1922. That was paid on the 12th of August, 1922. Not a dollar has been loaned or advanced to T. H. Gooding since that time.

Mr. President, in view of the great work which the War Finance Corporation has done in my State and the prejudice that is aroused in connection with the work and the statement that the Gooding interests have borrowed nearly \$400,000 out there, which is absolutely false, and if the matter be properly investigated the truth will be known, I have deemed it proper to make this statement.

In the State of Idaho livestock is moving from one county to another; the records of the mortgages must be filed in each county. That is the basis for an article of this character in the great New York World, which evidently wishes to besmirch anybody it can in the country. So, without proper investigation, it publishes the report that my friends, together with myself, participated in a loan of something over \$1,000,000.

Mr. President, I ask unanimous consent that the resolution which has just been read may now be considered.

The PRESIDING OFFICER (Mr. McNARY in the chair). The present occupant of the chair will advise the Senator from Idaho that inasmuch as the resolution carries an appropriation from the contingent fund, under the law it must be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. The resolution will be so referred.

CAMPAIGN EXPENDITURES

Mr. WALSH of Massachusetts. Mr. President, I submit a resolution, which I ask may be read for the information of the Senate and referred to the committee named in the resolution. The resolution (S. Res. 200) was read as follows:

Whereas allegations have been made regarding extravagant election expenditures in the recent national elections;

Whereas it has been alleged that campaign expenses and deficits of the national organizations and candidates of political parties have been

paid by groups or individuals seeking to obligate political parties and public officials, and thereby control legislation and Government business for their private advantage;

Whereas it is apparent that undue influence could be brought directly or indirectly to bear upon the legislative and administrative branches of the Government by persons who have incurred financial obligations of political parties and public officials by making large contributions to campaign funds; and

Whereas such interference with the lawful operation of Government defeats the purpose for which elections are held, is in violation of the principles of representative government, and results in the adoption of discriminatory legislation and the dishonest and unlawful transaction of Government business: Therefore be it

Resolved, That the Committee on Public Lands and Surveys be, and is hereby, authorized and directed, if in their judgment conditions warrant it, to submit to the Senate such amendments to the present election laws or such recodification of the present laws as may be necessary (1) to prevent future unlawful practices in elections and campaign expenditures; (2) to require semiannual returns to be made of contributions and expenditures of all nationally organized political parties; (3) to require all persons appearing for a financial or other consideration before the Congress or committees of the Congress to advocate legislation or solicit the votes of Members of Congress to register and record their names, the name of their employer, the amount of their fee, and the legislation advocated.

Mr. WALSH of Massachusetts. Mr. President, I wish to state very frankly to the Senate that I had serious doubt as to the committee that ought to handle this question. Considerable of information, according to the press, has been brought out in the hearings before the Committee on Public Lands and Surveys with reference to campaign contributions and expenditures, and I thought it desirable in the report which they will submit to the Senate that they be requested to recommend legislation on this subject. On that committee is a leading member of the Committee on the Judiciary and, I think, also the chairman of the Committee on Privileges and Elections. If in their judgment they think that the subject matter should be handled by the Committee on Privileges and Elections or some other committee, I have no objection to the committee so stating and making such report to the Senate.

The PRESIDING OFFICER. Is the request of the Senator from Massachusetts that the resolution be referred to the Committee on Public Lands and Surveys?

Mr. WALSH of Massachusetts. That is my request.

Mr. WARREN. Does the Senator not think that the same conclusion would be arrived at if the resolution were sent to the appropriate committee, namely, the Committee on Privileges and Elections, because that committee could obtain all the evidence from the Public Lands Committee?

Mr. WALSH of Massachusetts. I do not want the matter to assume the form of an investigation; I think we have been investigating enough; but I did want to call the attention of the committee which has been hearing evidence concerning large campaign contributions to the importance of perhaps recommending some legislation. For instance, we have no legislation now that requires any report to be made after the election. I point out in my resolution that it might be deemed advisable to require both political parties every six months to make a report of contributions and of expenditures, and I thought, in view of the fact that this committee has been hearing evidence along this line, that perhaps it would agree to handle the matter; but I have no pride of judgment about it.

Mr. WARREN. The evidence taken by that committee is all available to the Senate. There has been a reporter present in the Committee on Public Lands and Surveys to take the testimony.

Mr. WALSH of Massachusetts. Yes; but the committee has made no report as yet.

Mr. WARREN. I understand, of course, that no report has as yet been made.

Mr. WALSH of Massachusetts. Yes; the evidence is available, of course, to any committee of the Senate. Does the Senator think that the Committee on Privileges and Elections would be a more appropriate committee to handle the matter?

Mr. WARREN. Yes; I certainly do. It is not a matter in which I propose to take any part. I simply thought I ought to suggest a little better division of work, because we now have some trouble in getting subcommittees together, or even full committees, because of the great amount of work that is put upon some of these various investigating committees. The regular business of the Senate is badly locked and we should immediately relieve the congestion.

Mr. FLETCHER. Mr. President—

Mr. WALSH of Massachusetts. I yield to the Senator from Florida.

Mr. FLETCHER. I think ordinarily proposed legislation bearing on this subject would go to the Committee on Privileges and Elections; but the Senator suggests very persuasive reasons for having this matter go to the Public Lands Committee, because that subcommittee is made up largely of members of the Committee on Privileges and Elections, and they have all the facts upon which they could base their recommendations.

Mr. WALSH of Massachusetts. That was my impression. That is the reason why I made the suggestion that the resolution contains.

Mr. FLETCHER. I think there is need of legislation of that kind. I think a good deal can be accomplished in that direction. There ought to be some method devised to limit expenditures of this kind. Some of the State laws would perhaps be very helpful in that connection if they could be applied to the country as a whole. For instance, in Florida we have a law that requires the secretary of state to send out a booklet containing the platforms of the candidates, and that is distributed in order to save expense.

Mr. WARREN. May I ask the Senator if he wishes to put the Senate in the position, as to references to committees, of referring a measure to a committee that ordinarily has no jurisdiction of it, when there are other standing committees established for that very purpose?

Mr. FLETCHER. I can see the force of that suggestion. I think it is really immaterial. Perhaps the more regular way would be to have it go to the Committee on Privileges and Elections.

Mr. WARREN. If I may be permitted one word more—

Mr. WALSH of Massachusetts. Certainly.

Mr. WARREN. I think the Senate is getting to the point where it ought to move with more care as to these committee hearings, and as to how they are conducted, because, as I remarked before, there is tremendous confusion and want of attendance. I attended this morning a meeting of a committee with a membership of 16, and I could only get two Senators to attend. On an important subcommittee of the Appropriations Committee the other day I could get only four of my Democratic brethren, and no Republican; and in a later subcommittee we had, I think, three Senators present. So that it seems as though it would be better, if the Senator saw fit to do so, to send this resolution to the Committee on Privileges and Elections, and let them, of course, extract all this evidence from the other committee.

The revenue, immigration, appropriations, and other important measures are crowding us; so let us distribute.

Mr. WALSH of Massachusetts. I appreciate and thank the Senator for his helpful suggestion. As I said in the beginning, I have no fixed judgment about the committee which is to handle this matter. I did feel that this was an opportune time to call the attention of the Senate and of the country to the need of legislation, and especially legislation to regulate lobby activities. The sources of legislation should be strongly safeguarded against sinister influences. I do not see how we can expect to command the full respect of the country when the National Government permits men to appear before committees in favor of certain legislation that they are paid to advocate and there is no record required of how much they are paid or who pays them or whom they represent. It seems most unfortunate that we have not realized the importance of strong antilobby legislation.

Mr. President, I consent to have the resolution referred to the Committee on Privileges and Elections, with the hope of obtaining definite and speedy action.

Before I take my seat, let me say to the Senator from Wyoming [Mr. WARREN] that I sympathize with what he has said about the importance of getting attendance at committee meetings at this time, but are we not to blame ourselves? For weeks we had no committee meetings, or very few. We have only just begun to get down to business. The real congestion is now approaching. The long winter months have gone, the pleasant weather is here, and it is the same old story of postponement and of delay to the last hours that is certain to bring further discredit upon the Congress. I regret to say this, but unless we get down to some system of doing business, of doing it expeditiously and in an orderly way and with promptness, we will continue to merit the criticism that is being poured in upon us from many quarters.

During the month of December we were supposed to be in session. Of course some committees could not meet. I heard it stated the other day that during that whole month of December the Senate was in session for only 13 hours. In

January we were in session only a comparatively few hours each day. It is all right to talk about congestion. We have it, and I know that Senators are working very hard and very diligently now. It is hard to get their attendance, but one of the causes of the present congestion is that we did not begin early in the session to do our work.

Mr. CURTIS. Mr. President, I want to ask the Senator if he does not know that the Committee on Appropriations could not act on appropriation bills until they came over here?

Mr. WALSH of Massachusetts. My reference was not to the Committee on Appropriations, it was to the general calendar.

Mr. CURTIS. The Committee on Finance could not act on the revenue bill until it came over, and a question was raised as to whether the adjusted compensation bill should not first be considered in the House.

Mr. WALSH of Massachusetts. The Committee on Immigration ought not to have taken December, January, February, and March—four months—to get out here upon the floor a bill that even now is not entirely perfect; and so with many other important bills. It is part of the inherited system here, which is bringing disrepute upon this body, that we do not expedite business, that we have not a system about our hearings, that we are not prompt in giving hearings and making decisions and reaching final conclusions on the many pressing public problems. I make the suggestion in a helpful way, to see if some plan or reform can not be devised to restore confidence in our capacity to do business.

Mr. President, in accordance with the suggestion which has been made, I ask to modify the resolution by substituting "Privileges and Elections" for "Public Lands and Surveys" in the first line of the resolving clause.

The PRESIDING OFFICER. As so modified, the resolution will be referred to the Committee on Privileges and Elections.

Mr. WARREN. I want to take a moment to thank the Senator for his remarks regarding the necessity of our getting down to business; and I think I ought to say, after what I have said about lacking a quorum on committees, that that has not been, perhaps, the fault altogether of the Senators, but the congestion of business arose in the first place in the House. While there has been tardiness here in connection with some bills, most of the delay occurred in the House in the early days; but after getting the bills here, of course there is a tax bill and several appropriation bills going along side by side, and then there are these continuous investigating committees that take our Senators away. It seems to me that we ought to distribute the business better, and get down to business, as the Senator says, and do business and carry on some part of our examinations and investigations in recess or afterwards.

SURG. GEN. HUGH S. CUMMING

Mr. SWANSON. Mr. President, there is a joint resolution on the calendar that I am desirous of having passed very quickly. The French Government and the Polish Government have awarded decorations to Surgeon General Cumming, of the Public Health Service, on account of the splendid and efficient service he rendered there for the last three or four years and during the war. He is now in Europe, and it would be well to have these decorations conferred while he is there. He has gone abroad on work in connection with the Public Health Service. I simply ask unanimous consent to consider at this time Senate Joint Resolution 100, which has been reported unanimously by the Committee on Foreign Relations. A similar measure has passed the House.

Mr. NORRIS. Why does not the Senator let us finish the routine morning business first?

Mr. SWANSON. I thought it was practically finished.

The PRESIDING OFFICER. No; concurrent and other resolutions are in order.

Mr. SWANSON. I will wait, then.

CRITICISM OF PUBLIC BUSINESS METHODS

Mr. DIAL. Mr. President, I notice in yesterday's Evening Star that the district attorney for the District of Columbia stated that the courts are very far behind in trying criminal cases, and that often prisoners are discharged because they could not get the witnesses at the trial. The cases are continued so long that the witnesses are dispersed and the cases have to be nolle prossed.

Being a lawyer, and having practiced for a long time, I feel great kindness toward the courts, and a great interest in them; but this state of affairs ought not to obtain. I am greatly in favor of economy, and I advocate reducing taxes wherever it is possible; but it takes some expense to run the Government. I am not well posted about the speed with which trials are dispatched here, but my information is that they proceed in a very

leisurely manner, and that if the courts put on a little more speed they would try many more of these cases and convict a number of people who at present are turned loose on the public.

I am outraged at the great lawlessness that obtains in the District of Columbia. Just the reverse ought to be the case. I think, first, that the machinery of the courts ought to be speeded up; then, if they have not sufficient personnel to operate, the matter should be brought to the attention of Congress, and we should heed the call and give them more assistant district attorneys and more judges if necessary.

I am told by attorneys here that often the guilty parties are not apprehended even when the matter is brought to the attention of the prosecuting officials; and, as I say, for the district attorney to admit that people have to go unconvicted because of delay in bringing them to trial speaks very poorly for the United States Government. If the taxpayers have to go to the expense of keeping up the machinery of the courts the lawless element ought to be fined sufficiently not only to help run the machinery of the courts but to deter others from violating the law.

Along that same line, I desire to state that I have pending before the Judiciary Committee a bill which directs that Federal prisoners when they are confined in jail shall be put to work upon the public highways and public works. I have been a little disappointed that that bill has been tied up in the committee. In fact, I think a good many of our committees tie up our bills too long, anyway. To my mind that bill has great merit in it. If the committee think it ought not to pass in that shape, they could amend it, perhaps, by leaving it in the discretion of the judge as to whether or not he would send a convict to the public works.

In my section of the country convicts who are sentenced to jail by State courts are sentenced to work on the public highways. It is better for them, better for their health, and better for the country. I can not see any reason why parties convicted in the United States courts are any more sacred than those convicted in the State courts. They are confined in the same jails, and they should be required to perform similar work. So I hope that the Judiciary Committee will soon report out that bill, and let us see if we can put it in shape on the floor of the Senate, if there is objection to it in its present state.

Mr. President, while I was reading in the same paper yesterday and recalling to mind that public business is not transacted properly because there is not sufficient machinery, I noticed that there is proposed a plan to build another bridge across the Potomac River here at a cost of about \$14,000,000. I am not fully posted as to where the money will come from, but I assume it will come out of the Treasury, and so out of the pocketbooks of the taxpayers. There has been one bridge across the Potomac River here a long time, and just recently, this year, I believe, another one was erected across the river higher up the city, and to my mind the travel does not require another bridge across this river. The distance is too short. If we are in earnest about our assertions that we are trying to reduce taxes, certainly this is no time to put up an ornamental bridge across this river, at a cost of \$14,000,000, within a very short distance of two other bridges. So I hope no such proposition as that will be presented to Congress. If it shall be, I want to enter my protest now, and to say that I will do everything I can to defeat it. I think it is time we were getting in earnest about trying to lessen the number of officials and trying to decrease expenses and to relieve the taxpayers of as much burden as possible. If a measure providing for such a bridge comes up, I shall do everything in my power against it, and I hope no such proposition will be presented. I do not feel that the good people of this country will tolerate any such expense at this time.

The PRESIDING OFFICER. If there are no further concurrent or other resolutions, morning business is closed.

DEVELOPMENT OF GREAT FALLS WATER POWER

Mr. NORRIS. I think some agreement was reached between Senators on the other side and on this side that the immigration bill would not be taken up to-day.

Mr. SMOOT. House bill 8233, the independent offices appropriation bill, will be taken up.

Mr. NORRIS. When the Senator from Mississippi [Mr. HARRISON] was making that agreement with the Senator from Kansas [Mr. CURTIS] I was informed that at the conclusion of the routine morning business I would be allowed to call up the Great Falls measure, and that that would be followed by the consideration of the appropriation bill.

I ask, Mr. President, that we proceed to consider Senate bill 746, providing for the development of hydroelectric energy at Great Falls.

Mr. SMOOT. Does the Senator think that the consideration of that bill will take much time?

Mr. NORRIS. I do not. As far as I know there is no objection to it in any quarter. I have not heard of any. We have passed similar measures three different times, and I suppose the consideration of this bill will consume only a few moments.

Mr. SMOOT. I have no objection if it will not take a long time, but I do feel that we ought to get the appropriation bill up as quickly as possible.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent for the immediate consideration of Senate bill 746, providing for the development of hydroelectric energy at Great Falls. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to construct all the dams and other necessary works for the development of hydroelectric power at Great Falls within the limitations of, and in accordance with, the recommendations made by Maj. M. C. Tyler in Senate Document No. 403, Sixty-sixth Congress, third session.

The Federal Water Power Commission is hereby authorized to make any modifications or changes in the plans of Major Tyler that in their judgment may be necessary to increase the maximum amount of hydroelectric energy that can be developed therefrom, and if any such changes or modifications are made, the Secretary of War shall modify said plans accordingly and construct said works in accordance therewith.

Mr. NORRIS. Mr. President, a bill in the same form as that now before us passed the Senate on one other occasion, and in another form, providing for the same development, it passed the Senate on two other occasions. So we have considered this proposition and passed the legislation three different times. I do not want to take up any time unnecessarily in debating it, because I assume all Senators are familiar with it and know what is intended to be done and what the engineers say will be done.

Mr. KING. Will the Senator yield?

Mr. NORRIS. I yield.

Mr. KING. I hope the Senator will make, not a detailed, but rather a comprehensive statement as to all the purposes, and also as to the report referred to in the bill, which I have not read, and with which I am not very familiar; and that he will also state the approximate amount necessary to be expended to complete the enterprise.

Mr. NORRIS. I shall be glad to do that. We all know the location of Great Falls, of course, and that almost within sight of the Capitol there is an enormous amount of hydroelectric energy which can be developed by the building of a proper dam. Congress started legislating in regard to this matter about 20 years ago, when it appropriated money for a full survey of the project. The War Department appointed Colonel Langfitt to look into the subject at that time, and he made a very detailed and complete survey and recommended the building of a large dam there and the development of the power.

Afterwards we passed through the Congress a bill providing for the development according to that report. After that bill had died in the House, we passed a similar measure again, and it got into conference between the two Houses, and as a compromise it was agreed, since so much time had elapsed, that another survey should be made by the War Department. That was the compromise which went into the conference report. That was agreed to by both Houses, and in accordance with that conference report, the Secretary of War under the administration of President Wilson appointed Major Tyler to make a resurvey of the whole thing. He complied with the order, and used the money appropriated for that purpose, and made what is probably the most complete and detailed report of the proposition that has ever been made. That report is quite a large volume, I will say to the Senator from Utah, and technical to some extent. I can state what it recommends in a few words, however.

Let me say that after that report was made, again the Senate passed a bill in the same form as this bill which is now reported from the Committee on the District of Columbia, and that bill died again in conference in the last Congress.

This bill is a short bill. It provides that the Secretary of War is directed to construct a dam or dams "and other necessary works for the development of hydroelectric power at Great Falls within the limitation of, and in accordance with, the recommendations made by Maj. M. C. Tyler in Senate Document No. 403, Sixty-sixth Congress, third session.

In order to safeguard it against any possible objection, I have included in the bill an authorization of the water-power commission, as follows:

The Federal Water Power Commission is hereby authorized to make any modifications or changes in the plans of Major Tyler that in their judgment may be necessary to increase the maximum amount of hydroelectric energy that can be developed therefrom, and if any such changes or modifications are made the Secretary of War shall modify said plans accordingly and construct said works in accordance therewith.

The Senate will observe that under the bill operations will commence whenever Congress makes the necessary appropriations. I assume it will take 10 years, perhaps, to complete the work, and in the meantime it will be completely within the hands of Congress to expedite it as they see fit by the amount of the appropriation they shall provide.

Mr. KING. Will the Senator permit an inquiry?

Mr. NORRIS. Certainly.

Mr. KING. Probably the report of Major Tyler will indicate the quantity of land that will be submerged, the manner of the acquisition of title, the cost, and, generally, what the project contemplates.

Mr. NORRIS. I am going to state that briefly.

Mr. KING. Very well.

Mr. NORRIS. Major Tyler estimates that it will cost between forty-four and forty-five million dollars to make this complete development. The project will develop 120,000 primary horsepower, with something more than twice that, as I remember, secondary horsepower, much of which will be extremely valuable and almost the same as primary horsepower. So that there will be an immense amount of hydroelectric energy developed.

This expense he has named provides for a complete building of the various dams, which I will mention in a moment; their complete equipment; the payment of all the damages on account of the submerging of land; and everything. In fact, it covers the complete cost, to the putting of electricity on the boards in the city of Washington.

He estimates that with the expenditure of this amount of money and the development of this hydroelectric energy it will be possible to cut the wholesale price of electricity in two. Note, I say the wholesale price. It does not follow that the price to the consumer will be cut in two, because it has nothing to do with the distributing system. It would cut the price for use by street railways practically in two; but the electricity used in a house, of course, has added to it the distributing cost, which this does not interfere with. It means that the wholesale price of electricity will be cut in two, and at that price they would be able to set aside a sinking fund to pay the entire expenditure in 30 years, pay 4 per cent on the investment during that time, and keep the entire plant in first-class repair all of the time. In addition to that, it will save in the District of Columbia 240,000 tons of coal every year. Those are the statements made by the expert, Major Tyler, who has made the investigation.

The project contemplates, briefly, the construction of a dam across the river near the Chain Bridge, about on the line of the District of Columbia, in the neighborhood of 115 feet high, which will make a lake practically 9 miles long and 115 feet deep at this end, running up to the Great Falls proper; the construction of another dam above Great Falls, with a dropping of the water from that dam on this side of the falls, thus utilizing the falls proper, so that the water of the Potomac River will be used twice, thus resulting in the amount of horsepower development I have indicated.

It also includes the construction of some reservoir dams. I pause here to say that the weak point in the development of hydroelectric energy on the Potomac River, as is the case with all rivers except the Niagara and some other rivers very far north, is the difference between high and low water marks; and that applies to Muscle Shoals, on the Tennessee River, the same as to other streams. So Major Tyler has included in this program not only the construction of these two power dams but the construction of some other dams for the purpose of storing water.

Mr. CARAWAY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. NORRIS. I yield.

Mr. CARAWAY. May I ask the Senator a question? I was unfortunately called out of the Chamber for the moment. What is the Senator's idea of financing the matter? Is it to be a purely governmental proposition?

Mr. NORRIS. Yes.

Mr. CARAWAY. What is to be done with the power?

Mr. NORRIS. The bill has nothing in it with reference to what should be done with the power. Of course, to begin with, in the District of Columbia the Government of the United States is one of the greatest consumers of power, and that is the fundamental basis upon which the entire thing is to be developed. The development of all the power and the building of the dams have all been provided for.

The PRESIDING OFFICER (Mr. McNARY in the chair). The Senator from Nebraska will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 2576, the immigration bill.

Mr. REED of Pennsylvania. I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of House bill 8233, the independent offices appropriation bill.

Mr. NORRIS. Let us finish the bill now under consideration by the Senate before we take up another one. I do not want to stop in the midst of its consideration.

Mr. REED of Pennsylvania. How long will it take?

Mr. NORRIS. I do not think it will take long. I was about through. I have said more than I intended to say, but largely because of the questions asked.

Mr. REED of Pennsylvania. Very well. Then I merely ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. NORRIS. Now let us proceed with the Great Falls measure. I have said nothing in the bill about the use of electricity, because it is going to be quite a number of years, if we start now, before the matter will be finished and probably quite a large number of years before both of the dams are finished. I assume we would have one built first and later on another one, but the plan proposes a complete utilization of the power possibilities. The only scientific way to develop the water power is to work to a plan and not necessarily do it all at once.

When I was interrupted I was speaking of the storage dams. One storage reservoir is on the Cacapon River. The proposed dam site is at Edes Fort, 2½ miles southwest of the mouth of the Great Cacapon River, where the Great Cacapon flows into the Potomac, and at the town of Great Cacapon. The second storage reservoir is on the south branch of the Potomac River, and the dam site is about one-half mile upstream from its mouth. The head of the pool will be about 2 miles from Romney, W. Va. Another storage reservoir is on the north fork of the Shenandoah River. The dam site will be at a place called Brooks Gap, 4½ miles west of Broadway, Va. The dam at the Great Cacapon reservoir would cost \$2,340,000. The dam at the north fork of the Shenandoah reservoir at Brooks Gap would cost \$3,615,000, and the dam at the south branch of the Potomac River reservoir would cost \$6,250,000.

As I said, this would authorize the construction of the dams, which will be practically a complete utilization of the water power there, in accordance with appropriations to be made by Congress from time to time.

Mr. OVERMAN. In the estimate of \$45,000,000 is there included the damage to be paid for submerged property?

Mr. NORRIS. It includes everything.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDEPENDENT OFFICES APPROPRIATIONS

Mr. WARREN. I ask consent to call up House bill 8233, making appropriations for the Executive Office and sundry independent offices.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8233) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1925, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. The bill is one having very few amendments. The additions proposed by the Senate committee amount only to about \$10,000. I ask that the usual order may prevail, that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be considered first.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and it is so ordered.

Mr. SHEPPARD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams *	Ferris	McNary	Simmons
Bayard	Fess	Mayfield	Smith
Borah	Fletcher	Neely	Smoot
Brandeggee	Frazier	Norris	Spencer
Broussard	George	Oddie	Stanley
Bruce	Glass	Overman	Stephens
Cameron	Hale	Owen	Sterling
Capper	Harris	Pepper	Swanson
Caraway	Howell	Phipps	Trammell
Colt	Johnson, Calif.	Pittman	Underwood
Copeland	Johnson, Minn.	Ralston	Wadsworth
Couzens	Jones, N. Mex.	Ransdell	Walsh, Mass.
Cummings	Jones, Wash.	Reed, Pa.	Walsh, Mont.
Curtis	Kendrick	Robinson	Warren
Dial	King	Sheppard	Watson
Dill	Ladd	Shields	Weller
Edwards	McKellar	Shipstead	Willis
Fernald	McKinley	Shortridge	

Mr. CURTIS. I wish to announce that the Senator from Wisconsin [Mr. LENROOT] is absent on account of illness. I ask that this announcement may stand for the day.

Mr. ROBINSON. The Senator from Alabama [Mr. HEFLIN] is necessarily absent from the Chamber on business of the Senate.

The PRESIDING OFFICER. Seventy-one Senators having answered to their names, a quorum is present.

ADJUSTMENT OF DISTRICT OF COLUMBIA FISCAL RELATIONS

Mr. PHIPPS. Mr. President, I desire to call attention to the fact that the report and findings of a special commission on fiscal relations of the District of Columbia were made over a year ago. At that time, the session being near its conclusion, it was not possible to get full consideration, so the matter went over. We are soon going to have the District of Columbia appropriation bill up for consideration. One of the items and the principal thing in connection with the report of the joint committee and its findings is that the District of Columbia should be charged on the records of the Federal Government with about \$232,000 net. This has been reduced to the form of a bill, reported upon for the second time favorably by the Committee on the District of Columbia, being the bill (S. 703) making an adjustment of certain accounts between the United States and the District of Columbia.

I do not believe that consideration of the measure would occupy any considerable length of time. Therefore I ask unanimous consent for its present consideration.

Mr. WARREN. The matter which the Senator from Colorado brings before us is one connected with appropriation, because it is a settlement between the Government of the United States and the District of Columbia, and consequently the bill should pass before consideration is had of the District of Columbia appropriation bill. Therefore, if it is not going to lead to extensive debate, I am willing to yield to the Senator.

Mr. ROBINSON. Mr. President, I rise to a point of order. Throughout the remarks of the Senator from Colorado we have been totally unable to hear what he was saying, and I could not even hear the statement just made by the Senator from Wyoming.

Mr. PHIPPS. I thought my voice was pitched high enough so that all could hear.

Mr. ROBINSON. The Senator's voice is loud enough, but there is so much conversation in the Chamber it was impossible to hear him. I insist that Senators who desire to carry on conversation to the disturbance of the proceedings should retire to some other place.

Mr. PHIPPS. The special joint commission of the House and Senate was authorized to employ experts. The commission was composed of three Senators and three Members of the House. The commission began its work on the 1st of July, 1922, and worked diligently until the first week in February, 1923, when it made its final report, having made a preliminary report in the meantime.

It had employed Haskins and Sells, certified accountants, and reviewed the records as between the District of Columbia and the Federal Government. Their findings have since been certified to by the representatives of the general accounting department of the Federal Government, and three of the Senators and two of the Representatives, members of the commission, fully approve of and concur in the report. One of the Representatives dissented from the findings, contending that the commission should have gone further into the examination of what I term ancient history. As a matter of fact, the commission felt justified in accepting certain audits that had

been previously made, after having reviewed them in so far as possible and as far as would be permitted by the records still on file. The net finding of the commission is disclosed in Senate bill 703.

Mr. ROBINSON. What is the calendar number of the bill, may I inquire?

Mr. PHIPPS. It is Order of Business 183.

The bill recites the balance as found on the books of the general accounting department as of June 30, 1922, and charges against that, after giving a small credit, the amounts that are obligated for out of that balance. It then charges the District of Columbia with items of \$191,890.35, \$41,500, and \$317.16, making a net of about \$232,000 which the Comptroller General should now charge against the District of Columbia; and this bill would be his authority for so doing. Assuming that had been done, then the books of the General Government and those records of the District of Columbia, certified to by its auditor, would be in exact accord. An amendment has been reported by the committee after conference with the comptroller, so as to avoid any possibility of a slip up in any way, leaving the door open so that errors, if discovered in the future, may be taken account of and properly corrected.

Mr. President, I have nothing further to say, except that I should be glad to answer any questions which may be directed to me.

Mr. ROBINSON. Has the Senator asked unanimous consent now to proceed to the consideration of the bill?

Mr. PHIPPS. That was my request.

Mr. ROBINSON. The bill appears to be one of very great importance.

Mr. PHIPPS. I have stated the importance of the bill. It has been passed over on the calendar two or three times in order to give Senators an opportunity to examine it. All Senators were furnished with copies of the commission's report when the report was made.

Mr. ROBINSON. The bill apparently contemplates a settlement of accounts between the District of Columbia and the United States?

Mr. PHIPPS. That was the purpose of the Senate and House of Representative in authorizing the commission to examine the accounts and to report. The report has been available for over a year.

Mr. ROBINSON. Oh, yes; of course, many reports are available which the Senate knows absolutely nothing about. Until measures are called up for consideration, Senators who are not on the committees which consider them have no opportunity to become familiar with them.

Mr. WARREN. Mr. President—

The PRESIDING OFFICER. The Senator from Colorado [Mr. PHIPPS] asks for the immediate consideration of Senate bill 703. Is there objection?

Mr. ROBINSON. Is the report of the committee on the bill unanimous?

Mr. PHIPPS. The report of the commission is, with the exception of one Representative, who declined to sign the report.

Mr. McKELLAR. May I ask if it is agreeable to the Senator from Wyoming [Mr. WARREN] that the appropriation bill of which he has charge may temporarily be laid aside in order that the bill may now be considered?

Mr. WARREN. I have not consented to the consideration of the bill, unless it could be had without extensive debate. There already has been more debate on it than I anticipated there would be.

Mr. OVERMAN. Let the bill go over, Mr. President.

Mr. WARREN. I wish Senators would further examine the bill, and that it might come up later in the day, for it is really one of those matters which ought to be settled before the District of Columbia appropriation bill comes over here from the other House.

Mr. ROBINSON. In view of that statement, may I inquire of the Senator from Wyoming why the bill was not brought up in advance of the appropriation bill?

Mr. WARREN. The bill has come up for consideration once or twice on the call of the calendar, but has been passed over.

Mr. ROBINSON. It is rather an extraordinary proceeding to have an understanding, as we have had, that the appropriation bill shall be taken up, and then, while it is under consideration, for a Senator to ask that we shall pass, merely as a perfunctory matter, a measure which relates to the settlement of a complicated account between the Government of the United States and the District of Columbia.

Mr. McKELLAR. But it can not be passed in a perfunctory manner.

Mr. PHIPPS. I thought I had the floor, Mr. President. The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. GLASS. Mr. President, reserving the right to object, I should like to inquire of the Senator from Colorado what disposition has been made of this measure in the other House?

Mr. PHIPPS. No action has been taken in the other House as yet on the bill. That body is probably waiting for us to take action here. I am desirous of having some determination of the matter. I have tried to call the bill to the attention of those Senators who I have reason to believe might be interested in the subject involved. The Senate appointed a commission to perform certain work; then its findings and results are laid before the Senate, and yet it seems impossible to get consideration of the measure. During all my spare time when I have not been engaged in committee for the past two or three weeks I have been seeking an opportunity to have the bill considered, but the time has been taken up with the reading of newspapers and other irrelevant matter, and the business of the Senate is not receiving attention.

Mr. GLASS. I was a little curious to know whether the bill had been favorably reported from the House committee?

Mr. PHIPPS. I do not know that any action has been taken by the District Committee in the other House.

Mr. GLASS. I wanted to know that; because the Senator understands that the House has been very vehemently opposed to the settlement recommended by the commission.

Mr. PHIPPS. I have not had any reason to believe that; that is the first statement of that kind that has come to my attention.

Mr. GLASS. But the Senator is perfectly well aware of the fact that the House conferees on the District of Columbia appropriation bill for the last four years have opposed just this manner of settlement?

Mr. PHIPPS. I am not aware of that, and I do not agree with that.

Mr. McKELLAR. A parliamentary inquiry, Mr. President. The PRESIDING OFFICER. The Senator from Tennessee will state it.

Mr. McKELLAR. I understood that the Senator from North Carolina [Mr. OVERMAN] objected to the consideration of the bill, and I supposed that that objection carried it over.

Mr. OVERMAN. I did object.

The PRESIDING OFFICER. The Chair asked if there was any objection.

Mr. OVERMAN. And I objected.

The PRESIDING OFFICER. The bill will go over.

Mr. PHIPPS. Mr. President, I should only like to say, while I am on my feet, that I would earnestly request Senators who are interested in this measure to examine the report of the commission and secure the information which is available to them, because this is a matter on which the Senate should act. Having served, as I did, on a special commission, having devoted my time and effort in an endeavor to get action upon the subject, I feel that the commission, of which I was the head, is entitled to a little consideration when it submits its report.

Mr. ROBINSON. Mr. President, may I suggest to the Senator from Colorado that important measures about which wide differences exist, especially as between the two Houses, ought not to be taken up in the way that this bill is attempted to be taken up?

Mr. PHIPPS. I agree with the Senator—

Mr. ROBINSON. Just a moment. I have the floor and I wish to complete my statement. The Senator from Colorado has impliedly lectured the Senate for failing to take up and pass the bill which he is seeking to have passed while another bill is under consideration before the Senate. The Senator from Colorado knows—I assume that he understands the rules of the Senate—that he can move to proceed to the consideration of this bill when he chooses to do so, and that will give an opportunity to Senators to familiarize themselves with the question and give the Senate a chance to determine the question whether the bill should be taken up.

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. ROBINSON. With pleasure.

Mr. PHIPPS. The Senator will recall that I called his attention to this particular bill at least a week ago, perhaps two weeks ago, and discussed it with him.

Mr. ROBINSON. I do not happen to recall that. If the Senator from Colorado says that he called my personal attention to the matter, I know that he did so.

Mr. PHIPPS. Yes; I did.

Mr. ROBINSON. I have not the slightest doubt about that. But there are several hundred bills on the calendar.

Mr. PHIPPS. Oh, yes.

Mr. ROBINSON. And I do not know how any Senator could be expected to carry in his memory all the measures that are on the calendar.

Mr. WARREN. Mr. President, we had better proceed to business, I think.

Mr. PHIPPS. Mr. President, I had no reason to believe that the House of Representatives was in direct opposition to this measure.

Mr. GLASS. Mr. President, I have not wanted to indicate any opposition to the bill. I should like the Senator from Colorado to understand that the purpose of my inquiry was to facilitate legislation. I think it would be inadvisable to take this bill up in the Senate until it first had been acted on in the House of Representatives, because there is where the very bitter opposition exists to this proposed settlement.

Mr. PHIPPS. I should be pleased to confer with the Senator as to his sources of information.

Mr. OVERMAN. Mr. President, the reason I objected to the consideration of the bill is because the bill making appropriations for the District of Columbia is still in the House and is still to be considered by that body. Why can not this matter be taken up by the House in connection with the District of Columbia appropriation bill instead of our passing this bill anticipatory to that?

ORDER FOR RECESS

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock to-morrow.

The PRESIDING OFFICER. Is there objection to the request for unanimous consent made by the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

INDEPENDENT OFFICES APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8233) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1925, and for other purposes.

The reading clerk proceeded to read the bill, and read to the end of line 15 on page 4, the last clause being as follows:

INDEPENDENT ESTABLISHMENTS

ALIEN PROPERTY CUSTODIAN

For expenses of the Alien Property Custodian authorized by the act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, including personal and other services and rental of quarters in the District of Columbia and elsewhere, per diem allowances in lieu of subsistence not exceeding \$4, travelling expenses, law books, books of reference and periodicals, supplies and equipment, and maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, \$224,000: *Provided*, That this appropriation shall not be available for rent of buildings in the District of Columbia if suitable space is provided by the Public Buildings Commission.

Mr. KING. Mr. President, I should like an explanation from the chairman of the committee in respect to this item of \$224,000. In that connection, I should like the Senator to advise the Senate, if he can, what part of this appropriation, if any, is to be used to pay employees of the Alien Property Custodian's office who may be designated to serve as directors or attorneys for various corporations that are in existence and that were in existence when the property was seized. There is no information as to the disposition to be made of the \$224,000, except generally. I am not complaining of that, but I should like some more definite information.

Mr. WARREN. Let me say to the Senator that, taking up first the amount of money, we had last year, I think, an appropriation of \$280,000, which has been cut to \$224,000. The business in that office is very much the same, except, of course, that the payment of 10 per cent which was ordered has been made.

As to the employees, the figures are all contained in the hearings before the House committee and I presume the Senator can see that better than I could explain it, unless he wishes me to read over very many pages of the hearings. I am reminded that there are 102 employees, who receive an aggregate of \$207,000.

Mr. KING. Does the Senator know how many persons have been designated to fill various positions upon boards of directors to take charge of property, and what is the compensation allowed them, and out of what funds such compensation is paid?

Mr. WARREN. The custodian receives \$6,000, the general counsel \$7,000, and so on.

Mr. KING. I am familiar with that in a general way; but, so far as I can discover from the figures which the Senator is reading, there is nothing there to show the number of employees who are caring for various corporations and business enterprises, nor is there anything to indicate the compensation which is paid to them.

Mr. WARREN. Does the Senator mean that these designations are possibly of men who are not employed in the Alien Property Custodian's office?

Mr. KING. No; I did not mean that. What I meant was that in addition to those employed in the Alien Property Custodian's office, as I am advised, a large number are employed in handling the various corporations and business enterprises which were taken over by the Alien Property Custodian. Of course those are necessary; but I was rather curious to know who fixed the salaries, and what was actually paid to the various individuals, and the aggregate, because statements have come to me from time to time that some of the salaries paid were very large, particularly in the case of some of the directors and managers of corporations and enterprises which were taken over by the Alien Property Custodian.

Mr. WARREN. Those are probably paid by the corporations which are managed by them, because we only appropriate \$224,000 here, and I have already stated that \$205,000 of it goes out at once to these employees.

Mr. KING. Undoubtedly they are paid by the various corporations.

Mr. WARREN. I do not say that as a positive fact, but I assume, of course, that that is the case.

Mr. KING. I think the assumption of the Senator is accurate; but I am wondering how much is paid in the aggregate for the management of the various properties and enterprises which are now controlled by the Alien Property Custodian, and what restrictions are imposed upon him in determining the compensation to be allowed the various employees.

Mr. SMOOT. Mr. President, I think my colleague [Mr. KING] has reference to the practice that was established at the time these industries were being taken over, during the war. For instance, in New Jersey woolen mills were taken over in the year 1917, immediately following the declaration of war. I know of a case of a woolen mill in New Jersey which was taken over in 1917 by our Government as alien property, and five men were appointed directors of that institution, and I know that they drew \$5,000 apiece, and I know that they did not know anything at all about the woolen business; but they were made directors of that institution.

I do not know how far that has extended from that time on, but I think it is worthy of investigation. The amount that we are appropriating, however, has nothing to do with that class of appointments. Those people are paid by the institutions. If there are cases of that kind, I think we can get American citizens who can do some work in the way of directing those institutions, and at least save to the institution, even if it be a foreign corporation, money that should not be paid out in the way it was during the war.

Mr. WARREN. Mr. President, in further reply to the question, I will say that I have stated to the Senator what the United States is interested in financially, what it is costing; and, as I have already intimated, anything paid outside of that is paid out of the various businesses or industries or corporations that may be in charge of the custodian. An examination of this matter was had in the House committee, and we had before us all of these figures in reexamining this bill.

Mr. Miller says—I will not read all of his statement, but I will read what covers the point referred to here:

The question of fees paid for services rendered to the corporations or trusts administered by the office of counsel and attorneys has been carefully scrutinized. In cases where bills for such services were large the Attorney General has been consulted and has been asked for his recommendation and advice before said bills were approved or paid, and in a number of instances your predecessor passed on these fees as reported in this communication personally. Such bills, under the law, are borne out of administrative expenses of the trusts involved and are not paid by the United States Government. A list of miscellaneous fees paid, other than those included in the report of corporations, is transmitted in this report. A recapitulation of such fees and salaries is as follows:

Salaries of officers and directors in active corporations paid by corporations.....	\$186,035.00
Counsel and attorneys' fees paid by active corporations.....	104,019.90
Counsel and attorneys' fees paid by active corporations for services rendered previous to 1921.....	40,305.00
Accounting and minor disbursements paid by corporations.....	6,296.00
Attorney and counsel fees and expenses incident to defense of suits against the custodian paid from trust funds.....	109,226.18
Prosecution workmen's compensation cases.....	10,192.51
Counsel fees for defense of suits against enemy properties.....	15,171.00
Income taxes to Bureau of Internal Revenue.....	457,373.91

The approximate value of the property administered by this office during the year 1923 was \$347,000,000.

Mr. KING. Mr. President, my colleague [Mr. SMOOT] has alluded to a practice which I think was in existence, as he has indicated, and I think the same practice to some degree still exists. I offered a resolution during the last session of Congress and again at this session for an investigation of the Alien Property Custodian's office. I think there should be an investigation, regardless of the question of whether the conduct of that office has been fair and proper or otherwise. I should think those in charge of these funds would desire an investigation, in view of the many charges that have been made and the rumors that have been current.

We seized hundreds of millions of dollars' worth of property. That property has been under the control of the Alien Property Custodian since its seizure.

Charges have been made that waste and extravagance have characterized the administration of the trusteeship assumed by the United States when the property was sequestered. I believe that for the public good and to acquit the Government of the United States of any suspicion and to answer all charges made an investigation should be made of the Alien Property Custodian's office. It should be said that there have been two persons filling the position prior to the incumbency of the present official.

I might add that the present Alien Property Custodian has, so far as I know, performed his duty in a businesslike manner, and I am not urging this investigation because of any defaults against him. There is a widespread belief that in some instances the charges upon the trust funds have been too large and the costs of the administration of the estates seized have been too great. Incompetent men have been given positions, it is claimed, as directors and managers, and they were paid fees entirely disproportionate to the value of the service rendered. Some day we shall have to account to the owners of the property for our stewardship; and I believe that the Senate will be doing a public service if it orders an investigation of the Alien Property Custodian's office.

I notice in the hearings now going on, involving an investigation of the Department of Justice, that there is some proof tending to show that in the Bosch Magneto Co. case some irregularities have occurred. It is a matter of common knowledge that property of great value was sold by the Alien Property Custodian, and some persons believe at prices less than the real value of the property. It has been said that timberlands and other properties, personal and real, were sold by the Alien Property Custodian under circumstances not warranted and at prices below the actual market value. I hope that my colleague will urge the Republican members of the Committee on the Judiciary, to which my resolution was referred, to favorably act upon the same.

Mr. NORRIS. Mr. President, I have no knowledge of my own on this subject except that which any ordinary person could obtain by ordinary diligence, by watching the daily press and reading some of the documents, but I think there is very much in what the Senator from Utah says. I want to be distinctly fair, however, in saying that I am making no charges against anybody. I have not been able to investigate this matter, but from reports that I have not heard contradicted, some coming from evidence and some from newspaper reports, it seems that some of this property belonging to aliens and that is in our custody was, to say the very least, very negligently handled.

As the Senator from Utah says, this is a trust fund. It makes no difference that we are handling a trust for an enemy. We are in honor bound to protect the property, no matter who the person may be, if we take it away from him without his consent.

So far as I know, the administration of the Alien Property Custodian's office is running along now, and has been under the present management, without criticism, and what I say does not apply to the conditions now. I know of no criticism of the present conditions; but, Mr. President, in various investigations, various newspaper accounts, and magazine articles there have been charges made—some of them, it seemed to me, very specific—that millions and millions of dollars were squandered in various ways. I have heard it charged that the Alien Property Custodian in times past has taken possession of some corporations and then elected a lot of his friends on the board of directors and employed a lot of other friends as attorneys and paid them fabulous salaries and unreasonable fees, and that they would sell property worth a great deal of money for a nominal sum, reorganize it, and thus make hundreds of millions of dollars for somebody in that kind of an operation.

A witness before one of these investigating committees not long ago said that there was one item of \$450,000—I think

the Bosch magneto matter—where the Government never got a penny, and there was no pretense of giving it anything.

These things will not down, Mr. President, and we ought to know the truth. It is not our money we are handling, and we ought to be just as careful of it as though it were our money; I am not sure but that we ought to be more careful, because we have taken this money without the consent of the owners.

I do not know whether an investigation would be the proper thing. It seems to me that these books and all these actions ought to be audited by experts, so that we may know the truth, and we ought to know it before we let too much time pass.

Mr. STERLING. Mr. President—

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Nebraska yield to the Senator from South Dakota?

Mr. NORRIS. I yield to the Senator if he wants to ask a question, or I yield the floor.

Mr. STERLING. Just a question, that is all. I wondered if the Senator from Nebraska had seen the report of the subcommittee of the Judiciary Committee, which really became the report of the full committee, when the subcommittee investigated the question of the qualifications of Attorney General Palmer for that office when he was appointed. The subcommittee conducted hearings continuing over several days, and a short report was made finally by the subcommittee recommending him for appointment. But the subcommittee went into the question of all the property in the hands of the Alien Property Custodian, and I remember the Bosch Magneto proposition was before that committee at the time. I was about to suggest that I think it would be well for Senators who think that this matter ought to be further investigated to examine that report, if they have not done so.

Mr. NORRIS. That might be very good advice. I would like to ask the Senator if it did not appear that this magneto company was sold to a friend of the then custodian—

Mr. KING. Mr. Kern.

Mr. NORRIS. Who was not even a citizen of the United States; that they took it away from an alien corporation and sold it to an alien citizen, in fact. Did not that develop?

Mr. STERLING. No; I do not think the testimony showed that the property was disposed of to a friend of the Attorney General. I do not remember such testimony as that, I will say to the Senator.

Mr. NORRIS. Had not the prior custodian at least been attorney for this man?

Mr. STERLING. Not that I recall.

Mr. NORRIS. I would like to suggest that the Senator from South Dakota read the report himself.

Mr. KING. I do not want to take the Senator from the floor—

Mr. NORRIS. I am through; I yield the floor.

Mr. KING. I would like to ask the Senator from South Dakota if he is alluding now to the report of the committee or subcommittee of which I happened to be a member.

Mr. STERLING. I think the Senator from Utah was a member of that committee, and the Senator will recall the testimony. The report made by the committee was a very short report, but the hearings were quite extensive, as the Senator will remember.

Mr. KING. I think upon reflection the Senator will reach the same conclusion I have reached, as I now recall it, namely, that that investigation related rather to the conduct of the Department of Justice in dealing with deportation cases.

Mr. STERLING. Oh, no, Mr. President; not that. The Senator has another case in mind altogether. The Senator from North Carolina, I am sure—

Mr. OVERMAN. There were on the subcommittee the Senator from Montana [Mr. WALSH], the Senator from South Dakota [Mr. STERLING]—and I have forgotten who the other was—

Mr. STERLING. Senator Dillingham.

Mr. OVERMAN. Yes; Senator Dillingham.

Mr. STERLING. He was a member of the Committee on the Judiciary, and chairman of the subcommittee which conducted that investigation.

Mr. KING. Let me say to the Senator that that is not the committee about which I interrogated him. The Senator will recall that years ago, under resolution, the conduct of the Attorney General's office was investigated with respect to the deportation of aliens.

Mr. STERLING. I recall that very well.

Mr. KING. And a report was made by the Senator from Montana, and another report made by the Senator from South Dakota, but the full committee did not reach an agreement, as I recall.

Mr. STERLING. It did not adopt either report.

Mr. KING. It did not adopt either report; but neither report dealt with the question of the Alien Property Custodian's administration of the German property seized at the outbreak of the war.

Mr. STERLING. Not in any way whatever.

Mr. KING. If there has been another investigation of the character indicated by the Senator, I am not aware of it.

Mr. STERLING. That investigation was upon the question of the confirmation of the appointment of Attorney General Palmer to his office.

Mr. OVERMAN. We spent several weeks in that investigation. A great fight was made against Palmer's confirmation, and an investigation was held for days and days and days. Finally we made a report, and the Senator from South Dakota, I think, made a full report.

Mr. KING. I am familiar with that report. That was the report resulting from an inquiry made following the nomination of Mr. Palmer for the office of Attorney General.

Mr. STERLING. That is correct.

Mr. KING. And the then Senator from New Jersey, Mr. Frelinghuysen, filed objections to his confirmation, and upon such objections an investigation was had by the Judiciary Committee. But, as I recall, the committee did not inquire into the administration of the trust fund which had been held by Mr. Palmer as Alien Property Custodian. Let me say to the Senator from North Carolina that that committee did not investigate the administration of the fund subsequent to Mr. Palmer's time, and the Senator will recall that following Mr. Palmer, Mr. Garvan was appointed as Alien Property Custodian, and he served until Mr. Miller was appointed by President Harding.

Mr. STERLING. That is right.

Mr. KING. The resolution which I offered calls for an examination of administration of the office from the time it was created until the present time.

Mr. OVERMAN. I ask the Senator from Utah if there was not a suit tried in New Jersey over this Bosch Magneto Co., and a decision rendered in favor of the Government?

Mr. KING. I do not recall such a case. There was a suit brought by the Government, and properly brought, against the Chemical Foundation—

Mr. OVERMAN. That is the case.

Mr. KING. To set aside the transfer by the Alien Property Custodian of about thirty-five or thirty-six hundred patents which had been seized by the Alien Property Custodian, and the judge before whom the case was tried found the issues against the Government.

Mr. OVERMAN. That is the matter to which I refer.

Mr. KING. If it is not improper to differ from a judge, my opinion is that the decision of the court was erroneous, because I believe the conceded facts call for a decision in favor of the Government.

Mr. NORRIS. I would like to ask the Senator whether he has heard of the case where the Alien Property Custodian took over the property of some corporation operating woolen mills somewhere in New Jersey. I think, and selected a lot of new members of the boards of directors, put them on at big salaries; that one of the members of one of the boards at the time he was put on the board by the Alien Property Custodian was already holding a very high office under the Government, drawing \$7,500 a year from the Government. I have heard that there was such a case. I have no personal knowledge of it. I am asking the Senator for information.

Mr. McKELLAR. Mr. President—

Mr. KING. I yield.

Mr. McKELLAR. I am interested in the statement made by the Senator from Nebraska. Surely he does not think that there is anything improper in a man exercising a public office, and at the same time dealing with the Government to his own advantage, does he?

That seems to be the usual and ordinary course these days, for a man to occupy a position of trust with the Government, and deal for himself at the same time. I am rather astonished to hear the Senator from Nebraska take a view of that kind.

Mr. NORRIS. I suppose we ought to go on the theory which I have understood governed, during the days of our forefathers, according to those who are familiar with the early history of our Government, that when a man was put into office and stole everything loose around him, they kept him in office on the theory that he had stolen all he needed, and if they put in another man he would steal some more; that the way to be economical was to keep the thief in. If that is true, we ought to put the fellows out who are in now, and put the thieves back in.

Mr. McKELLAR. Oh, no; I think the best way is to adopt the old fashioned practice of serving only one superior at a time. If a person is working for the Government, his whole interest should be in his service to the Government. He should not occupy two positions. He should not occupy any position where his personal interests will draw him one way and his official interests the other.

Mr. NORRIS. I was of that impression when I called attention to what had been told to me, coming from what I considered rather reliable sources, that this man was getting \$7,500 from the Government of the United States, and at the same time \$5,000 as a member of the board of directors of a corporation to which I suppose he devoted no time whatever.

Mr. McKELLAR. Of course, I was speaking ironically, because I know the Senator from Nebraska so well that I know he does not believe in any such modern doctrine as is now being constantly followed, for a man to occupy a position as a public servant, and at the same time called in daily in reference to his own interests.

Mr. OVERMAN. Mr. President—

Mr. KING. I yield.

Mr. OVERMAN. There are so many criminations and re-criminations, so many insinuations and innuendoes, that I think I may vote and am anxious to vote for the resolution of the Senator from Utah, which he says is before the Committee on the Judiciary, to investigate this matter. I did not know it was before that committee. The matter ought to be investigated, since we have all these charges made on the floor, which may or may not be true.

Mr. KING. Mr. President, having secured the promise of the Senator from North Carolina and the senior Senator from Utah that they will support a proposition to investigate the office of the Alien Property Custodian, I hope prompt action will be taken upon my resolution by the Judiciary Committee.

Replying to the question of the Senator from Nebraska [Mr. NORRIS], I will say that I have heard the rumor to which the Senator refers, as well as others relating to matters in the office of the Alien Property Custodian. Many of these rumors undoubtedly are fantastic and have no foundation whatever. But, as I said a moment ago, we took hundreds of millions of dollars of property away from the owners of the same. Property of the value of millions was sold, oftentimes at private sale. We sold 3,500 patents, worth at least \$20,000,000, for \$250,000, to an organization which had been conceived by persons who were interested in the activities which the patents covered. Business enterprises which were valuable and yielded large profits were sold to Americans, oftentimes to competing business concerns, and persons were placed in control of other property who handled it for years—sometimes advantageously; perhaps in some instances the changed conditions inevitably resulted in losses.

I said a moment ago, and I repeat, those who had charge of this property, who were acting as trustees for persons who had been deprived of their property, ought to welcome an investigation to the end that the facts might be known. The Government ought to have the information, so that it may make a proper report to the owners of the property, or to the German Government when the day of final settlement shall come. I repeat, many of these charges undoubtedly are without foundation, but even if there were no criticism it would be wise for the Government to have full knowledge of all matters connected with the administration of this important trust.

Mr. FESS. Mr. President, will the Senator yield?

Mr. KING. I yield to the Senator from Ohio.

Mr. FESS. Reverting to the incident mentioned by the Senator from Nebraska, I think I ought to say that there was a contest in which a family, part of them German citizens and part of them American citizens, was involved over certain property in New Jersey. Property in the hands of the American citizen was seized by the Government during the war and conducted by the Alien Property Custodian. I have noticed the cost and expenses incident to that matter, and can state that over \$100,000 was put upon the company because this citizen had to sue in the courts. Two trips were necessary to Germany, and finally a decision was reached in favor of the citizen. The matter was then appealed by the Government and a second decision reached in favor of the citizen. I know of that case, and while I do not know anything about the details, as to who were the directors, I do know that it was rather an unconscionable proceeding.

Mr. KING. I am sure that an investigation would reveal that, perhaps, large counsel fees were paid—

Mr. FESS. I am sure it would, too.

Mr. KING. Unconscionable fees, and that too large fees were paid to directors and managers of trust estates and properties.

Mr. FESS. An unfortunate feature, I think, because I watched it as it proceeded, was not only the injustice being worked but it was creating a very bitter feeling toward our own Government because of the manner in which it was treating the property of one of its citizens.

Mr. OVERMAN. I would like to ask the Senator if he does not know of a great deal of extravagance and if there have not been many insinuations and not many truths? There has been a statement made here to-day about a man being employed and getting from the Government \$7,500 and then getting \$5,000 from some corporation. I understand that is not so.

Mr. FESS. I know nothing about it.

Mr. OVERMAN. But the Senator making the statement does not make the charge. He merely said he had heard it. I refer to the Senator from Nebraska.

Mr. NORRIS. If the Senator from Utah will yield for just a moment—

Mr. KING. Certainly.

Mr. NORRIS. There is no doubt that a great many of those charges will be untrue entirely, others will be only partially true, and some of them will be true in their entirety or in the major part. Some of them are so well authenticated that they at least deserve investigation and ought to have denial at least. I do not want to say that any report I have heard is not susceptible of complete explanation, but the air is full of it all the time and it seems to be so often well authenticated that it deserves investigation.

Mr. OVERMAN. That is just what I am endeavoring to state.

Mr. NORRIS. We ought to know what the truth is.

Mr. OVERMAN. The Senator mentioned that incident, that there was a Government officer getting \$7,500 who was employed by the Alien Property Custodian in another post and getting \$5,000 for that. A Senator told me who it was, and I find there is no truth in it.

Mr. NORRIS. I was told that it was true. I was told so by a Member of the Senate who is here and listening to what is said now.

Mr. OVERMAN. He said that to me, but it is not true, as I understand.

Mr. NORRIS. I am very glad if it is not true.

Mr. OVERMAN. The Senator from Nebraska started out to say that he made no charges—

Mr. NORRIS. No; I do not.

Mr. OVERMAN. I am told that it is not true by a Senator who is on the floor of the Senate now.

Mr. NORRIS. Then it must have been a Member of the Senate who was on that directory.

Mr. OVERMAN. He was on it but has gotten off since. He was not a Member of the Senate at that time.

Mr. NORRIS. Then, of course, that is all right.

The reading of the bill was continued.

The first amendment of the Committee on Appropriations was, under the heading "American Battle Monuments Commission," on page 5, line 5, before the word "for," to strike out "not to exceed \$20,000," so as to read:

For every expenditure requisite for and incident to the work of the American Battle Monuments Commission authorized by the act entitled "An act for the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes," approved March 4, 1923, including the acquisition of land or interest in land in foreign countries for carrying out the purposes of the said act without submission to the Attorney General of the United States under the provisions of section 355 of the Revised Statutes; for the employment of personal services in the District of Columbia and elsewhere; etc.

The amendment was agreed to.

Mr. KING. Mr. President, I want to give notice to the Senator from Wyoming that after the amendments tendered by the committee have been disposed of I shall move to strike out the words "and maintenance, repair, and operation of motor-propelled passenger-carrying vehicles," in lines 11 and 12, on page 4, unless an adequate explanation is made.

I find throughout the bill a large number of instances where passenger vehicles—that is to say, motor cars—are furnished many of the bureaus and Federal agencies. It is getting very fashionable now to furnish a high-powered passenger car to thousands, or at least hundreds, of Government employees. I think it is time to put a stop to it.

Mr. WARREN. That is for maintenance of the automobiles. It is hardly to be expected that an automobile can be run very long without maintenance in the way of supplies, repairs, and so forth.

Mr. KING. I would like to inquire of the Senator why we should furnish automobiles to the Alien Property Custodian?

Mr. WARREN. I do not know why we should not if we undertake to pay the expenses of his office as we are doing. The question of whether we will permit the departments and bureaus and institutions of the Government to have automobiles has been settled long ago and settled after great tumult and lots of argument and decrying of the expense, and so forth. But it seems that the idea has won its way. That being true, I think when we provide only for the maintenance of the vehicles there should be no question. We can question the purchase of new machines, we can question the exchange of old machines for new machines, but the matter of maintenance is hardly to be questioned.

Mr. KING. Does the Senator say it is an established rule with all the sanctity of law that every agency of the Government, important and unimportant, shall have an automobile for those in charge of the bureaus and agencies?

Mr. WARREN. They are pretty well restricted in number. The Senator is keeping close tab on it. I notice that several of the independent institutions, where they have a large number of employees and other large expenses, have only one automobile and very seldom a new one. We simply provide maintenance. For instance, here is the Civil Service Commission with one automobile. The commission occupies an entire building of seven or eight floors, filled with employees. I think it is rather fortunate that we do not have to pay more. When we had horses and horse-drawn vehicles they were much more expensive than the automobiles are now.

Mr. KING. The Senator has mentioned the civil service. To which one of the civil-service commissioners is the machine allocated? Who has it? How do they divide it? All of which shows the absurdity of the proposition. I did not know we were furnishing the civil service commissioners with a machine. When we come to the Civil Service Commission in the bill I shall move to strike out that item, as well as all similar items for other Federal agencies.

The reading of the bill was continued to line 14, page 10, the last item read being under the head "Federal Power Commission," as follows:

For every expenditure requisite for and incident to the work of the Federal Power Commission as authorized by law, including traveling expenses, per diem in lieu of subsistence, and not exceeding \$500 for press-clipping service, law books, books of reference, and periodicals, \$6,500.

For all printing and binding for the Federal Power Commission, \$4,500.

Mr. NORRIS. Mr. President, I want to make some inquiry about the Federal Power Commission. There is a total appropriation there, outside of printing, of \$6,500. The only thing that seems to be itemized is \$500 for a press-clipping service.

Mr. SMOOT. The other is salary.

Mr. NORRIS. The commissioners do not draw salaries, except their regular salaries as Secretaries and heads of departments.

Mr. SMOOT. The commission consists of the Secretary of War, the Secretary of Agriculture, and the Secretary of the Interior.

Mr. WARREN. This is for one man who has charge of the work.

Mr. NORRIS. He is the executive secretary, is he not?

Mr. WARREN. He is known perhaps by that name, or perhaps as manager, but he is simply the one man who is employed there, and perhaps a stenographer.

Mr. NORRIS. The only expense itemized is the clipping service, \$500; so would the balance of \$6,000 be a salary for him?

Mr. WARREN. It is so far as I know. The balance is made up in the way of fees. They started out with an income from fees of about \$5,000 a year and then went to \$8,000 or \$10,000, and I think for the present year they are liable to run \$50,000 or more.

Mr. NORRIS. The Senator means the fees they get from water-power permits?

Mr. WARREN. Yes.

Mr. NORRIS. That money is not used by them, is it?

Mr. WARREN. I think not, but I would have to look it up to find out about it.

Mr. NORRIS. I assume that is covered into the Treasury?

Mr. WARREN. Yes.

Mr. NORRIS. Has the Senator anything that explains that?

Mr. WARREN. The hearings of the House give the amount.

Mr. NORRIS. Can the Senator give me any idea about how much of this money will be used for traveling expenses? Is there anything in the hearings about that?

Mr. WARREN. The estimate is based upon last year. As I said, that does not appear in the bill at all, except it must be handled as I have explained.

Mr. NORRIS. That is the thing I could not understand. Here is a total appropriation of \$6,500; but there seems to be one item of \$15,000 for traveling expenses. Where do they propose to go to spend \$15,000 in traveling expenses?

Mr. WARREN. The items are as follows: Personal service, \$6,000; supplies and materials, \$12,000; communication service, \$600; traveling expenses, \$15,000; printing and binding, \$650; publication of notices, \$2,000; repairs and alterations, \$25; special and miscellaneous current expenses, \$500; expenses and field investigations by cooperating agencies, \$19,325; equipment, \$1,200; total, \$46,500.

Mr. NORRIS. From what is the Senator reading?

Mr. WARREN. I am reading from the testimony that was adduced by Mr. Meyer, who was before the committee.

Mr. NORRIS. What does the testimony show? How did they use \$15,000 for traveling expenses? Is that last year's expense, or is that estimated as what is going to be used this year?

Mr. WARREN. I could not tell that, because the applications come from almost every State in the Union, and some are denied and some are allowed. I imagine it necessitates traveling pretty long distances.

Mr. NORRIS. Another thing I do not understand is why we are not appropriating in this bill for traveling expenses.

Mr. WARREN. They are paid out of the collections.

Mr. NORRIS. Then they are paying some of their expenses out of the income which they get, which does not go to them through an appropriation bill?

Mr. WARREN. Undoubtedly; but, as I said, I speak with the admonition that I am not positive just how much is applied in that way. I am of the opinion that, starting with a very small income, the proposition was that it would be an endless chain, but it is now developing into one of very considerable size.

Mr. NORRIS. Mr. President, it seems curious that, while we are proposing to make an appropriation amounting to \$6,500, which is to include, according to the language of the bill, "traveling expenses," yet we find, although it does not seem to be in the appropriation at all, that the commission propose to spend \$15,000 for traveling expenses. I can not understand how or where the commission gets that money if it is not appropriated. I do not understand how a total not only of \$15,000 but a total amounting to \$46,000 and over, which seems to be handled by this commission, can be included in an appropriation of only \$6,500.

Mr. WARREN. Mr. President, if the Senator from Nebraska will excuse me, my memory has now been refreshed. In the first place, Congress appropriated \$100,000 to be available until expended. Out of that \$100,000 the commission has already used something like \$40,000. As to the future, I think there is about to be further legislation to provide for what shall be done with the income. Originally this was a new field of activity, and we appropriated in a lump sum \$100,000. It was debated at great length in the committee whether the commission should hire many employees and set up a large establishment. It was decided to leave that matter for the time being with the one man who was considered capable to look after the work and then to take care of the service as it grew.

Mr. NORRIS. I am not saying that these expenditures are not necessary; I do not claim to know as to that; but evidently we are not legislating in reference to this matter in a businesslike way. Some time in the future, perhaps, some other Congress will have to investigate what we ought to have provided for in our day so as to avoid any possible scandal. I can not myself understand how the Federal Water Power Commission can get along with this small appropriation, and it appears that they do not get along with this small appropriation. Perhaps I do not understand it correctly, but it develops from the estimates that in the past year they have spent something like \$46,000, of which the \$15,000 traveling expenses is a part, but I call attention to the language of the provision in the appropriation bill which reads:

For every expenditure requisite for and incident to the work of the Federal Power Commission as authorized by law, including traveling expenses, per diem in lieu of subsistence, and not exceeding \$500 for press-clipping service, law books, books of reference, and periodicals, \$6,500.

What I am trying to find out is whether they have some other money somewhere that they are using. And if so, how have they obtained it.

Mr. WARREN. We have already appropriated a hundred thousand dollars, of which they have used only about \$40,000.

Mr. NORRIS. Was that for the present fiscal year?

Mr. WARREN. There was very little expense up to the last year.

Mr. NORRIS. Does the Senator mean to say that during the present fiscal year they have spent \$46,000?

Mr. WARREN. I do not.

Mr. NORRIS. Well, when did they expend \$46,000?

Mr. WARREN. I did not say that they expended \$46,000, but that they estimated they would expend it. I said that they had spent about \$40,000 out of the original sum appropriated.

Mr. NORRIS. When did they do that?

Mr. WARREN. They spent that out of the \$100,000 that we originally appropriated.

Mr. NORRIS. Yes; I understand, but I am trying to find out when they spent it.

Mr. WARREN. The Senator can hardly expect me to tell him with exactness the expenditures from the beginning up to the present time. There were a great many months when there were no expenditures whatever.

Mr. NORRIS. I do not want the Senator to perform an impossibility, but I had supposed he had the information before him as to the items making up the \$46,000.

Mr. KING. Mr. President, will the Senator yield?

Mr. NORRIS. I yield to the Senator from Utah.

Mr. KING. Does not the Senator think that if there was an unexpended balance it ought to be covered into the Treasury?

Mr. NORRIS. Certainly; I think the law so provides.

Mr. SMOOT. When an appropriation is made to be available until expended it may run over five or six years.

Mr. NORRIS. That is true; we can provide that an appropriation shall be available until expended, but I understand—and I should like to be corrected if I am in error—that there is a general law which provides that an appropriation not expended during the fiscal year for which it was appropriated shall be covered back into the Treasury.

Mr. SMOOT. Every appropriation is for one fiscal year only, unless it is specifically provided otherwise. Unless the appropriation bill specifically states that the appropriation shall be available until expended, on the 30th day of June, at the end of the fiscal year, it goes back into the Treasury.

Mr. NORRIS. That does not enlighten me fully, nor, I think, does it enlighten the Senate, as to the actual expenditure of money by the Federal Power Commission. I do not want to be understood as claiming that they are expending any money wrongfully or anything of that kind, but in considering an appropriation bill where we are making appropriations for the commission it is proper that we should know the facts.

Mr. OVERMAN. Mr. President, the Senator from Nebraska is quite right. This matter illustrates the viciousness of lump-sum appropriations of this kind. When such appropriations are made we do not know how they are going to be expended nor how much is going to be paid for salaries. He and I and the Senator from Utah [Mr. Smoot] have been fighting against that system of appropriations for 10 years, and yet we see creeping in appropriation bills lump-sum appropriations for officials to expend as they please.

Mr. KING. Mr. President, will the Senator from Wyoming yield?

Mr. WARREN. Certainly.

Mr. KING. Will the Senator from Wyoming consent to an amendment to this effect:

Provided, That any unexpended balance of any prior appropriation made for the use of said commission shall be covered into the Treasury of the United States.

Mr. WARREN. Does the Senator wish to do that without adequate provision for expenditures for the coming year?

Mr. KING. No; but if the Senator will advise us what amount is absolutely necessary for the conduct of the affairs of this office, I shall be willing to vote for it.

Mr. WARREN. Mr. President, I think Senators perhaps do not understand the origin and operation of this appropriation. We are indebted to the Senator from Nebraska for giving to the matter of power development much attention, particularly with reference to the Great Falls power project, near the city of Washington. As I have said, this matter came up as a sort of afterthought. Originally, an estimate for \$100,000 was presented to us, the appropriation was made, and the commission started out. So they have had a hundred thou-

sand dollars at their disposal and, in addition, they have had the funds which they have collected. I have not as yet discovered whether all those funds are turned into the Treasury or not, but I remember the commission started with a very small expenditure. During the last two years the expenditures have been increasing. I have the figures somewhere. It is a little difficult to carry all these figures in my head all the time, but I will be able to put my hand on them in a few moments.

Mr. SMOOT. Mr. President, to clear up this matter I wish to say to the Senator now that the collections from all sources for the first five fiscal years were as follows:

	From sale of copies of records	From fees from licenses for power development	Total
Fiscal year 1921.....	\$149.34		\$149.34
Fiscal year 1922.....	66.72	\$8,963.57	9,030.29
Fiscal year 1923.....	41.39	29,519.23	29,560.62
Fiscal year 1924.....	105.00	53,824.35	53,929.35
Fiscal year 1925.....	100.00	135,409.36	135,509.36
Total.....	462.45	227,716.51	228,178.96

¹ Estimated.

As to the cost of administering the Federal water power act for the first five years of the commission's operations I cite the following table:

Cost of administration of the Federal water power act first five years of commission's operations

	Fiscal year—				
	1921	1922	1923	1924	1925
Operating expense (paid by the commission).....	\$29,371.74	\$43,946.49	\$27,396.21	\$42,000.00	\$50,000.00
Salaries of officers and employees assigned to duty with the commission in Washington from the Departments of War, Interior, and Agriculture ¹ (paid by those departments).....	59,878.63	81,049.78	83,218.85	83,000.00	83,000.00
Salary expense of employees in the field services of the above departments for the time they are engaged in investigation or supervision of projects referred by the commission (paid by the departments).....	120,710.00	130,000.00	126,000.00	125,000.00	125,000.00
Gross cost of administering the act.....	109,960.37	154,996.27	136,615.06	150,000.00	158,000.00
Deducting administrative fees received from licensees for water-power development for the purpose of reimbursing the United States for the costs of administration of the act ² (see sec. 10-e).....	8,741.65	24,279.32	46,349.94	117,000.00	135,000.00
Net cost of administering the act.....	101,218.72	130,716.95	90,265.12	33,000.00	23,000.00

¹ Estimated.

² Includes increased compensation (bonus) paid to civilian employees and allowances to commissioned officers assigned from the Military Establishment.

³ Collected or to be collected in the succeeding fiscal year, but to be considered as an offset against this year.

In other words, all we are appropriating in this bill is the amount that we provided in the original act should be paid as salary to Mr. Merrill, who was appointed at that time.

Mr. NORRIS. Mr. President, I suggest that the Senator read section 10.

Mr. WARREN. Mr. President, if the Senator will read further he will ascertain the amounts which have gone into the Treasury and been receipted for.

Mr. NORRIS. Mr. President, I want to ascertain what they have done with the money. They have collected considerable sums. What did they do with them?

Mr. OVERMAN. Were they not paid into the Treasury?

Mr. NORRIS. I suppose so; but evidently the commission must have used a considerable part of that money for their operations, for they have spent a good deal more than we have appropriated.

Mr. OVERMAN. The figures which have been given are a little misleading, for they state the cost of administration of the commission, although, as a matter of fact, it did not pay for its clerks. The War Department paid for the clerks which were sent down by the Secretary of War to the commission, and their salaries came out of the appropriations for the Army. The Navy Department paid for the clerks detailed from that department.

Mr. NORRIS. There were no clerks detailed from the Navy Department. They were clerks detailed from the Interior Department and the Agricultural Department.

Mr. OVERMAN. They were paid for by whatever department sent them to the commission.

Mr. SMOOT. Three departments—the War Department, the Agricultural Department, and the Department of the Interior—have detailed clerks to the commission.

Mr. WARREN. On page 158 of the hearings there is a table showing the distribution of the receipts of the commission. That table is as follows:

	1922	1923	1924	1925
To the general fund of the Treasury	\$4,397.96	\$12,825.21	\$24,123.49	\$62,674.62
To the indefinite appropriation under administration of the War Department: Maintenance and operation of dams and other improvements of navigable waters	4,370.83	12,386.41	23,421.72	61,213.50
To the reclamation fund	108.55	1,755.20	2,807.09	5,844.48
To payments to States under Federal water power act, special funds	\$1.40	1,316.41	2,105.31	4,383.36
To Indian funds	4.83	1,236.00	1,366.73	1,293.40
Total	8,963.57	29,519.23	53,824.34	135,409.36

I think that covers the question that the Senator has asked.

Mr. NORRIS. Mr. President, I have asked the Senator from Utah if he would not read the statute that it is claimed, at least, gives the Federal Power Commission the right to take these fees and use them without their having to pass through the Treasury. The question upon which I am trying to get information is this: When they get in these fees, do they turn them into the Treasury and then get appropriations for their expenses in order to get out whatever may be necessary, or do they take the money that comes in and use what they want to use of it and put the balance into the Treasury? If they do the latter, there must be some law for it or they would not have authority to do it.

Mr. SMOOT. I will read section 10 (e), referred to in this report.

Mr. NORRIS. That is what I wish the Senator would do.

Mr. SMOOT. It reads as follows:

That the licensee shall pay to the United States reasonable annual charges in an amount to be fixed by the commission for the purpose of reimbursing the United States for the costs of the administration of this act; for recompensing it for the use, occupancy, and enjoyment of its lands or other property; and for the expropriation to the Government of excessive profits until the respective States shall make provision for preventing excessive profits or for the expropriation thereof to themselves, or until the period of amortization as herein provided is reached, and in fixing such charges the commission shall seek to avoid increasing the price to the consumers of power by such charges, and charges for the expropriation of excessive profits may be adjusted from time to time by the commission as conditions may require: *Provided*, That when licenses are issued involving the use of Government dams or other structures owned by the United States or tribal lands embraced within Indian reservations the commission shall fix a reasonable annual charge for the use thereof, and such charges may be readjusted at the end of 20 years after the beginning of operations and at periods of not less than 10 years thereafter in a manner to be described in each license: *Provided*, That licenses for the development, transmission, or distribution of power by States or municipalities shall be issued and enjoyed without charge to the extent such power is sold to the public without profit or is used by such State or municipality for State or municipal purposes, except that as to projects constructed or to be constructed by States or municipalities primarily designed to provide or improve navigation licenses therefor shall be issued without charge; and that licenses for the development, transmission, or distribution of power for domestic, mining, or other beneficial use in projects of not more than 100 horsepower capacity may be issued without charge, except on tribal lands within Indian reservations; but in no case shall a license be issued free of charge for the development and utilization of power created by any Government dam and that the amount charged therefor in any license shall be such as determined by the commission.

That is all there is.

Mr. NORRIS. That, of course, does not have any application to the question involved here. It has no more to do with it than the flowers that bloom in the springtime.

Mr. SMOOT. As I say, it is referred to here in this language:

Deducting administrative fees received from licensees for water-power development for the purpose of reimbursing the United States for the costs of administration of the act (see sec. 10-e).

That is the section I have just read. It also refers to a footnote, which says:

Collected or to be collected in the succeeding fiscal year, but to be considered as an offset against this year.

Mr. NORRIS. Of course, the Senator from Utah will understand better than I, because of his greater wisdom and experience in this line, that one of the things we must avoid in running the Government is to permit the use of money without having it covered into the Treasury and taken out by regular appropriation bills. Otherwise, we might just as well abolish the appropriating power of Congress and turn it over and let the executives use it.

Mr. SMOOT. As I remember—and I find that I was correct—this appropriation of \$100,000 was made to be available until expended, not simply for the year.

Mr. NORRIS. That may explain it.

Mr. SMOOT. I shall read this to the Senator now.

Mr. NORRIS. I wish the Senator would read it.

Mr. SMOOT. I will read the whole of section 2, because it will also explain Mr. Merrill's position and why we make the appropriation directly to him:

Sec. 2. That the commission shall appoint an executive secretary, who shall receive a salary of \$5,000 a year, and prescribe his duties, and the commission may request the President of the United States to detail an officer from the United States Engineer Corps to serve the commission as engineer officer, his duties to be prescribed by the commission.

The work of the commission shall be performed by and through the Departments of War, Interior, and Agriculture, and their engineering, technical, clerical, and other personnel except as may be otherwise provided by law.

In other words, their whole clerical force could be used for this Federal Water Power Commission.

All the expenses of the commission, including rent in the District of Columbia, all necessary expenses for transportation and subsistence, including, in the discretion of the commission, a per diem of not exceeding \$4 in lieu of subsistence incurred by its employees under its orders in making any investigation, or conducting field work, or upon official business outside of the District of Columbia and away from their designated points of duty, shall be allowed and paid on the presentation of itemized vouchers therefor approved by a member or officer of the commission duly authorized for that purpose; and in order to defray the expenses made necessary by the provisions of this act there is hereby authorized to be appropriated such sums as Congress may hereafter determine, and the sum of \$100,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, to be paid out upon warrants drawn on the Secretary of the Treasury upon order of the commission.

Of that \$100,000 there has been expended by the commission itself some \$60,000, and there is still a balance of about \$40,000 in the fund; and all of the engineering, technical, clerical, and other employees are to be furnished by the three departments designated in the law. That is why the appropriation only calls for \$6,500 for the payment of Mr. Merrill and, I suppose, his traveling expenses, which are \$1,500, and the other items named in the appropriation.

Mr. WARREN. Mr. President, I want to say to the Senator furthermore that the newspaper-clippings item submitted may be small, but that is due to a finding by the Comptroller General, Mr. McCarl, that "incidental expenses" will not include newspaper clippings, and that they have to be specified.

Mr. NORRIS. Now, I should like to ask the chairman of the committee if he knows whether it is contemplated that the Federal Power Commission shall send Mr. Merrill, or whether they will pay out of the Treasury the expenses of sending him, to some international meeting of hydroelectric engineers that is to take place in London in June.

Mr. WARREN. That is a question that I think has not come up so far. I presume the Senator would be more apt to make a correct guess about that than I would, because there is no particular law bearing upon that matter.

Mr. NORRIS. If the meeting is proper and is not dominated, as I have been informed from very reliable sources that it is going to be dominated, and the program already made out by

private interests that control hydroelectric energy in the United States and in Great Britain and in some other countries, by which a sort of a closed arrangement has been made, and only the right kind of fellows can be put on the program, shutting out those who might believe in public ownership or public development of power on the streams of the various countries and the control by public officials—if it were an open proposition, with a program made up without reference to a man's personal views on those questions, I would not have any objection if the Federal Power Commission sent a representative to attend a conference of that kind. After the conference is held it will be heralded, very likely, as a fair illustration of what should be the policy of governments in regard to the development of hydroelectric energy and its control; but as a matter of fact the literature I have received and the communications I have from men who seem to know indicate that in order to get on the program to address that great international meeting you have to be passed on and scrutinized by men who are representatives of the great hydroelectric trusts not only of America but of Europe.

I hope my information about this matter may be erroneous, but I know that some of the men whose names have been given to me as men who are going to address that great meeting—and I have had outlined to me practically all of them; I do not know, but all of them, as far as they have been selected—are men who stand out as opposed to the government developing any electricity, or to the government controlling it after it is developed, to any great extent at least.

If it were an open meeting, where both sides or a dozen sides, if there are that many, would be heard and the matter discussed in this great forum, this great international meeting, I should be willing to appropriate money out of the Treasury of the United States and have the Federal Power Commission represented there by somebody like Mr. Merrill. Mr. Merrill, the executive secretary, I think, is a very able man, although he does not agree with me in any particular as to what we ought to do in developing the electricity that can be developed in the great interstate streams of our country. He would not have the Government of the United States or a State or a municipality make any electricity if the whole country perished for lack of electricity or lived forever in darkness. If some private person did not make a profit out of it he would not be able to see it, even if it were stuck in an electric-light bulb.

He is entitled to those ideas. I am not criticizing him. He is an expert in this line, and it would be well for him to attend a meeting of that kind. But it is only men who have that kind of ideas, if I am correctly informed, who will ever get their noses in that tent, ever be allowed to say anything, or whose views will ever be published as a result of that great international meeting.

Mr. SMOOT. Mr. President, my experience in the West has led me to believe that Mr. Merrill is not very anxious for the development of any water power whatever. In fact, we have had applications before the Federal Power Commission for years and years and never could get any official action on them. If I have any criticism of him at all, it is along that line.

When this act was up in the past, on June 10, 1920, I was opposed to its provisions. I did what I could to see that it was amended in many ways. But the Senate saw fit to pass the bill then pending, and it is now on the statute books, notwithstanding the opposition of quite a number of Senators to it.

I agree with the Senator from North Carolina [Mr. OVERMAN] that the Congress of the United States never should make an appropriation and allow it to be expended this year and next year and next year, or as long as it lasts, with no restriction upon the manner in which it should be expended. That is a false way of appropriating public money. I do not know of a case—and I will ask the Senator if he remembers one—where such a thing has been put into legislation and the amount expended without there being criticism of the most severe kind?

Mr. OVERMAN. That is true of all appropriations of this kind.

PERSONAL EXPLANATION

Mr. STANFIELD. Mr. President, at this time I rise to a question of personal privilege. There appeared in the New York World of this date an article referring to loans made to livestock interests in the West by the War Finance Corporation. The article treats largely of the affairs of myself, my family, and my associates. It is not my purpose at this time to take the time of the Senate, but I give notice that to-morrow or the next day I will hope for their indulgence that I may make an analysis of the article.

The article is entirely fallacious. It is an article that should not have been published. A great paper like the New York

World should not publish such an article as that without an investigation, and without having some idea of the facts. I regret very much indeed to know that a great paper like the New York World would indulge in belittling and attacking the characters and the reputations of individuals unfairly or unjustly, for my experience with the World in the past has been that they are inclined to be fair.

A representative of the New York World came to me yesterday and two days before and advised me that a representative of that paper in the State of Idaho had wired that the story which they recite in the paper was about to be published. I told him that the story was wholly untrue and without any foundation. They charge in this story that I, my family, and business associates secured large preferential loans from the War Finance Corporation. So far as I am concerned, I have never had a dollar from the War Finance Corporation. It is true that for a short time, and only for the shortest period that a loan could be drawn, I stood as an interested party, a stockholder, in a corporation, and only a minor stockholder, owning but a very small interest in that corporation, which indorsed paper, or signed paper, for the sum of \$250,000 to the War Finance Corporation, and that money was distributed among 25 and 30 livestock men who were in dire distress and needed relief.

We found, and the other concerns with which I was interested found, that we could secure better accommodations through the regular banking channels than by going to the War Finance Corporation. For that reason, on the first maturity date the loan was retired, and the concerns to which the money had been furnished from the War Finance Corporation made other arrangements in the ordinary banking channels, and took care of their requirements.

I shall not ask the indulgence of the Senate for a longer time now, but I do want the privilege of going into this article and analyzing it, for I know that through the West there has been a misunderstanding, and I welcome this opportunity of explaining to the people in the West the fact that governmental preference was not given to the large livestock interests. So far as I know, no large livestock interests materially benefited through the accommodations extended by the War Finance Corporation. At least, I know that none of the livestock loaning concerns with which I was associated did receive any accommodation that was of material importance, and the only one they did receive was the one which I have mentioned, which was of very short duration.

I welcome the opportunity of explaining to the people out in the western livestock States that they may have a better understanding. They should know. They have discussed these things, and just as most people may be inclined, those people out there are inclined to believe scandalous reports they hear. I know that humankind are more apt to believe things that are scandalous and untrue than to believe the truth. It would be well if they could be informed.

INDEPENDENT OFFICES APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8233) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1925, and for other purposes.

Mr. KING. Mr. President, I want to give notice to the Senator from Wyoming that after the amendments recommended by the committee have been acted upon, I shall return to the provision concerning the Federal Power Commission and offer an amendment to restrict the use of this appropriation, and limit the appropriation which it now has from other sources.

Mr. WARREN. There is no amendment to that provision. That is the House language, and the Senator can offer his amendment after the committee amendments have been acted upon.

Mr. KING. I stated that I would offer an amendment after the committee amendments were acted upon.

The PRESIDENT pro tempore. The Secretary will continue the reading.

The reading was continued.

The next amendment was on page 11, line 4, to strike out "\$940,000" and to insert in lieu thereof "\$80,000," so as to make the paragraph read:

For all other authorized expenditures of the Federal Trade Commission in performing the duties imposed by law or in pursuance of law, including secretary to the commission and other personal services, supplies, and equipment, law books, books of reference, periodicals, garage rental, travelling expenses, including actual expenses at not to exceed \$5 per day or per diem in lieu of subsistence not to

exceed \$4, newspapers, foreign postage, and witness fees and mileage in accordance with section 9 of the Federal Trade Commission act, \$880,000.

Mr. NORRIS. Mr. President, I have an idea that there will be considerable time taken in the discussion of this amendment. I do not know whether the Senators who are interested in it are all here. Probably there will be a roll-call vote on this committee amendment.

Mr. WARREN. Will the Senator yield?

Mr. NORRIS. I yield.

Mr. OVERMAN. Let us pass over it.

Mr. KING. Oh, no; let us dispose of it this afternoon.

Mr. WARREN. I think the Senator from Nebraska rather overstates the matter. The \$60,000 was taken off to make it accord with the recommendation of the Bureau of the Budget. In the original bill the House committee recommended \$600,000, and some rather strict provisions. The House raised the amount of the appropriation to \$940,000.

The only question is whether the friends of the Budget Bureau—and I hope we are all friends—can see any reason why the appropriation should be more than that recommended by the bureau. The Senator from Nebraska realizes that the members of the Appropriations Committee who are trying to keep within the rules, and within the limits of economy as well, have a right to expect that the recommendations of the Budget will be observed, unless there is some good reason for exceeding the amount which they recommend. Therefore, if the Senator or any others have good reason for asking a change, there will be no opposition, so far as I am concerned.

Several Senators rose.

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to various Senators who are looking in his direction?

Mr. KING. None are desirous of interrupting him, Mr. President.

Mr. McKELLAR. I think we are all on his side and want to hear him.

Mr. NORRIS. The fact that Senators are standing around just indicates their anxiety to hear what I shall say, rather than to interrupt and say something themselves.

Mr. McKELLAR. We know the Senator always has something good to say.

Mr. NORRIS. I do not quite understand the explanation of the chairman of the committee. I assumed that the only question involved here was a disagreement among Senators as to how much money should be appropriated for the Federal Trade Commission. That was the only question I supposed was involved in it.

Mr. WARREN. May I make it plainer?

Mr. NORRIS. Certainly.

Mr. WARREN. The fact is that the House committee cut the estimate from \$880,000 to \$600,000. It does not show in the bill before us, because we have changed it. It came to the floor of the House with not only that cut, but also with a provision that no matter should be acted upon by that commission sent it by any committee of Congress or from any other source unless it was sent by reason of some act of Congress requiring it.

After the bill was reported in the House, the fact that the amount was cut to \$600,000, and the fact of that regulation being inserted evidently excited the Members of the House to such an extent that in the immediate flow of opposition they struck out that amount and put in \$940,000. The committee of the Senate merely presumed they were giving all that was asked for. This is the Budget amount.

Mr. OVERMAN. All we have to do is to reject the amendment, and that will give us the amount put in by the House, just the same amount they had last year.

Mr. WARREN. No; the amount was less last year.

Mr. NORRIS. Mr. President, as I understand this matter, as far as this amendment is concerned, it is a very plain proposition. The House of Representatives appropriated \$940,000 for the Federal Trade Commission. The Senate committee has brought in an amendment striking out \$940,000 and inserting in lieu thereof \$880,000, and it is a question now for the Senate to say whether, as far as this amendment is concerned, we shall pass the bill as the House passed it, or whether we want to cut down the amount as the Senate committee advises.

From the statement of the Senator from Wyoming it seems that the House increased the appropriation over what their committee thought it ought to be. There is no language in the bill about any regulation, or anything of that sort, about which the Senator from Wyoming has spoken, which has been

stricken out by the Senate committee. That was put in by the House committee, and the House took that all out. In my judgment it reduces itself to the simple proposition, how much money should the Federal Trade Commission have, and is the Federal Trade Commission making good use of the money we give it by public appropriation?

Mr. DILL. How much did they have last year?

Mr. WARREN. They had less than \$880,000; but there is a question about the bonus. I think if the bonus were added, perhaps, it would be brought up to a figure in the neighborhood of what the House fixed. The matter was brought to the attention of the Budget, but the Budget recommended \$880,000.

Mr. NORRIS. Ever since we have had a Federal Trade Commission, almost every year we have had a fight on the floor of the Senate as to the amount of money we ought to give them. The Senate Committee on Appropriations has almost invariably recommended a cut in the amount of money which should be appropriated for the Federal Trade Commission.

In my opinion, the Federal Trade Commission is one of the commissions connected with the Government which has always earned the money that has been appropriated for it. In my humble judgment, it has done better work than any other commission or bureau connected with the Government. I have reached the conclusion that their investigations, the work which they perform, when completed, come nearer to giving the facts as they really exist than is true of any committee of the Senate or of the House, or of any other bureau or commission of the Federal Government. They have made some of the most complete and wonderful investigations that have ever been made by any body. They have been working almost day and night. They have been crippled, it is true, by a recent decision of the Supreme Court, but although there was some doubt, even in my mind, when we first established the Federal Trade Commission, as to whether that was a proper step to take, that body has been one of the best and most beneficial instrumentalities of the Federal Government that we have, or for which we appropriate in any way. They do not have all the money they ought to have. I want to read from the hearings, page 163. From the evidence of the chairman of the Federal Trade Commission I will read just a sentence or two:

During the fiscal year we had to call in all our men—

The question was asked by some Senator as to how much money they had for last year. They did not have enough last year, as I will show:

During the fiscal year we had to call in all our men in the field, who were out investigating cases, in May and in June. We had to call in some in May and practically all of them in June. We could not do anything during the last month of the fiscal year so far as our field work was concerned.

I have had a communication within the last few days from the Federal Trade Commission in regard to a report that they are now ready to make in answer to a resolution which I introduced in the Senate. They have called my attention to the fact that they have not any money to pay for its publication.

Mr. OVERMAN. They had previously the right to have their printing done, the same as any other department, but they are now compelled to do their own printing. That adds to the expense of the commission.

Mr. NORRIS. Yes. It is an old question that has been here long and often. I do not want to detain the Senate further.

Mr. OVERMAN. Oh, we will vote the committee amendment down.

Mr. NORRIS. I think we ought to vote the amendment down, and in my humble opinion we ought to increase the amount above what the House has appropriated.

Mr. ROBINSON. Mr. President, the committee amendment reducing the appropriation available for the use of the Federal Trade Commission, in line 4, page 11, of the bill, from \$940,000 to \$880,000, in my judgment, should not be agreed to. The amount of the appropriation was increased after a fight and by a vote in the House after the committee had reported. If the Senate wants to take the time to go into the subject in great detail, I think I am prepared to show that the amount carried in the bill as it passed the House is scarcely adequate to meet the necessities of the Trade Commission if that organization is to perform its functions with a fair degree of efficiency. The Senate committee amendment reduces the amount \$60,000. There may be some who think that the Trade Commission should be abolished, and there may be some Senators who for that reason want to reduce the appropriation as much as possible for the express purpose of denying to the commission the agencies and instrumentalities necessary to the intelligent and prompt discharge of its duties.

Mr. McKELLAR. For the purpose of hampering them.

Mr. ROBINSON. Yes.

Mr. DIAL. Mr. President—

Mr. ROBINSON. I yield to the Senator from South Carolina.

Mr. DIAL. I just want to ask for information, Which is the best way to get a quick report from the commission—to increase the appropriation or to decrease it? I have referred a matter to them over two years ago and have not yet received a report. I am ready to vote either way.

Mr. ROBINSON. That is one of the questions with which I expect to deal. The commission under its present allowance is 18 months behind with its work.

Mr. DIAL. Over two years behind. My matter was referred to them two years ago last February.

Mr. ROBINSON. Of course, the commission could not be expected to report within an hour or immediately after the Senator from South Carolina called for its investigation.

Mr. DIAL. I think two years is a pretty long "hour."

Mr. ROBINSON. The commission admits that it is a year and a half behind with its work and attributes that fact to the failure of Congress to appropriate adequate funds to enable it promptly to discharge its duty.

Mr. NORRIS. Mr. President—

Mr. ROBINSON. I yield to the Senator from Nebraska.

Mr. NORRIS. Of course, everybody knows that much of the work put up to the Federal Trade Commission to perform is of such a nature that in its very essence it requires a long time to look into. There is no doubt that they are hindered to a great extent often by lack of funds, as I read from the testimony of the chairman. Last May and June they practically quit work in the field because they had no money to pay their men to do the work. That of itself put them two months behind.

Mr. ROBINSON. I am prepared to go into the subject somewhat in detail to show the nature of the investigations undertaken by the commission, at whose instance and direction those investigations have been undertaken, and the character and importance of the inquiries and decisions which the commission has been called upon to make.

What the Congress has been doing is this: When occasion arises some Senator or Representative secures the passage of a resolution, either a concurrent resolution or a House or Senate resolution, directing the commission to undertake a very important inquiry. The President frequently, or at least occasionally, directs the commission to investigate. The result is that orders for investigations expressly directed by the President and by the Congress have caused the business of the commission to accumulate so that it is 18 months behind. I am going into that subject somewhat in detail unless, to spare the Senate the necessity of such a discussion, the proponents of the amendment recede from their position.

Frankly, I do not think one argument has been brought forward or can be made to sustain the action of the committee in reducing the appropriation except the general desire that animates the breasts of all of us to economize. But it is poor economy, Senators, to create an instrumentality and charge it with duties and then deny it the agencies and the funds necessary to enable it to discharge those duties.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Tennessee?

Mr. ROBINSON. I yield.

Mr. McKELLAR. When the matter was being discussed in the committee the only argument in favor of the amendment was that the Budget had reported the \$880,000 and that the committee ought not to increase the Budget allowance. Not one more word was said about the testimony of the members of the commission to the effect that their work would actually be stopped if they did not get the larger amount.

Mr. OVERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from North Carolina?

Mr. ROBINSON. I yield.

Mr. OVERMAN. Has there ever been a time since this great institution was established that some great interest was not here to fight it and cripple it? I do not remember a single time when an appropriation has been made for it that there was not some contest over it, as there has been in this case. In the House of Representatives the committee only allowed \$600,000. The House, when the matter came before it, promptly adopted an amendment increasing it to \$940,000. As the Senator from Tennessee said, when the question came before the Appropriations Committee of the Senate they gave all the Budget recommended, but upon investigation they now find that the Trade Commission needs \$940,000 instead of

\$880,000. I hope the amendment of the committee will not be agreed to.

Mr. ROBINSON. The aggregate appropriation for all purposes for the Federal Trade Commission, in the bill as it passed the House, is the same as the appropriation for the present fiscal year. The House did not increase the amount for the use of the commission beyond the sum that was appropriated last year. What occurred was this: The commission insisted upon an aggregate sum of not less than \$1,250,000. The House committee reduced it, as just stated by the Senator from North Carolina, to less than one-half that sum, but by amendments offered on the floor the House itself voted into the bill the aggregate amount of the present year's appropriation, namely, \$1,010,000.

The commission complained before the House committee that the funds now available are inadequate and that for this reason it had fallen behind with its work, as was indicated by the suggestion of the Senator from South Carolina [Mr. DIAL]. The commission admits that there are accumulated on its dockets a large number of cases that ought to receive prompt investigation and decision but which can not take that course for the reason that they have not enough employees, examiners, attorneys, and other agents to enable them to do their work promptly.

The allotment of \$550,000, which was the aggregate for all purposes recommended by the Budget, will necessitate a reduction of 20 employees from the present force, and it will reduce the travel which the remaining employees will be able to take. If the Budget figures prevail, it will mean that the commission will probably fall farther behind with its work, and certainly no one who wants the organization to be efficient can justify reducing its appropriation under those circumstances.

I have information, which I am sure is reliable, because I asked that it be furnished by the Federal Trade Commission, respecting the state of the work of the organization and the character of the cases that are pending before it. A general statement of that nature may be of some interest to the Senate as illustrating and giving emphasis to the declaration that the appropriation in the bill is really too small, although it is not, perhaps, expected that it will be materially increased.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Tennessee?

Mr. ROBINSON. I yield.

Mr. McKELLAR. The Senator from Arkansas speaks of the Budget recommendation. My recollection is that the members of the Federal Trade Commission took the matter up with the Budget Bureau, and then asked for a rehearing before the Budget Bureau, but that the Budget Bureau turned them down. It seems as though there is a studied and determined effort to prevent the Federal Trade Commission from having what they are entitled to.

Mr. ROBINSON. That fact is undoubtedly, in its material points, true, but it is not quite so significant, in my judgment, as the Senator from Tennessee might think, because many departments and bureaus of the Government have had the same experience. The Budget Bureau undoubtedly pursues a policy of reducing, where it finds that can be done, the appropriations for all the various bureaus and departments, and there is general complaint about that in several bureaus, but I make the point that the effort to reduce this appropriation is not consistent with good administration and that it will work harm to an agency of the Government which, if it is to be preserved, ought to be made prompt and efficient in the performance of its duties.

Now, let me for just a few minutes discuss the question of the work of the Federal Trade Commission. There are now approximately 566 cases before the commission on application for complaint. Proceedings by the commission are twofold; applications for complaint, which are made by parties who are directly complaining; and complaints brought by the commission itself, under the peculiar provisions of the statute creating it. Of the first class alone, there were on the 1st of April 566 applications for complaint pending. As I have already explained, these cases are not started by the commission, but are brought to it by the public, and the commission is required by the law to afford relief. Applications for complaint are coming into the commission at the rate of about 40 a month; and if the commission devoted its entire time and personnel to cases now on hand, no new cases could be taken up for approximately 18 months. In view of this information, the statement of the Senator from South Carolina [Mr. DIAL] is justified. It is more accurate to say that the commission is two years behind with its work than it is to say that it is 18 months behind.

Let me point out briefly some of the investigations which the commission is now making. The character of them is suggested by a mere mention of the proceedings. In response to resolutions passed either by the Senate or by the House of Representatives, or by both, the Federal Trade Commission is now making inquiry into the house-furnishings industry, the cotton trade, wheat-flour milling, and national wealth and debt. Any Senator will see at a glance that all of those inquiries involve investigations of the most comprehensive character conceivable if they are to result in benefit to the public.

During this session the Senate passed a resolution, which was submitted by the Senator from Wisconsin [Mr. LA FOLLETTE], directing the commission to investigate the production, distribution, and sale of flour and bread. The commission has not undertaken that investigation because of lack of funds with which to prosecute it.

Just two months ago, during February, the President, under the authority conferred upon him by the Trade Commission act, directed the commission to investigate an alleged monopoly in crude petroleum stock and profiteering in the sale of gasoline. The commission is pursuing that investigation. It submitted a deficiency estimate to the Budget in order to secure the funds necessary to complete the work, but the Budget Bureau declined to approve the request, notwithstanding the fact that the investigation was proceeding under the direction of the President. So we have the anomalous situation of the President of the United States instructing an administrative agency under express authority of the statute to undertake a task and another agency of the Government, subordinate to the President, in effect denying the administrative agency the power to comply with the President's direction by refusing to approve the request for necessary funds.

Mr. McKELLAR. Mr. President, the Senator would not exactly call that "playing both ends against the middle," would he?

Mr. ROBINSON. I do not care to undertake to appropriately characterize that governmental policy. It is certainly unsound, Mr. President. It is in a measure belittling the dignity of the President of the United States.

The Congress gives him authority when, in his opinion, it is necessary to order an investigation; he orders an investigation, but it can not be made because an agency of the Government, in this instance the Budget Bureau, apparently arbitrarily refuses to approve the request of the commission for necessary funds.

Let me now refer to some of the important cases that are pending before the commission. The Trade Commission act provides that when the commission shall have reason to believe that an unfair method of competition has been used in commerce and the public interest requires proceeding the commission shall thereupon issue its complaint in its own name in behalf of the public charging violation of law. The formal complaint is an adversary proceeding directed to a specified respondent, requiring production of evidence under oath and hearing before the commission. If the respondent is found guilty, the commission, under the statute, issues an order to cease and desist.

About March 1, 1924, there were pending before the commission 214 formal complaints, making the aggregate number of cases before the commission 780.

Illustrating the importance of the cases on formal complaint before the commission, there may be mentioned a proceeding against the United States Steel Corporation, which involves the entire fabric steel industry. It concerns what is known as the Pittsburgh plus case, relating to the practice of the Steel Corporation in using Pittsburgh as a basing point for steel prices plus the freight rate to destination. The economic and legal questions involved in that case are of the very greatest importance, and several of the States have appropriated considerable sums of money in order that the interests of their respective citizens may be safeguarded in the very important case against the Steel Corporation before the Federal Trade Commission.

Then there may be mentioned the Douglas Fir Exploitation & Export Co. and 107 other corporations and partnerships. In this case a conspiracy to hinder and destroy competition in the sale and distribution of certain classes of lumber is alleged. Combinations in restraint of the entire domestic and export pine and fir lumber trade on the Pacific coast are charged.

The tobacco case, the motion-picture case, the steel-merger case, and numerous others of very great importance are listed among the proceedings pending before the Federal Trade Commission.

At the present time the commission has 305 employees, divided as follows: 34 trial attorneys, 51 investigating attorneys and examiners, 26 economists, and 26 accountants, the remainder being administrative employees and statistical clerks.

The gasoline case, to which I have referred, instituted by the commission at the direction of the President himself; the bread case, involving an inquiry into the amazing cost of bread, considered in connection with the cost of wheat itself; the house-furnishings investigation, and those pertaining to the cotton trade and the grain trade, are all of very great importance.

Mr. President, if the Senate wants to hamper and cripple this important agency of the Government, it can do so by agreeing to the committee amendment. The difficulty will not be completely relieved by defeating or rejecting the committee amendment; but certainly the delay incident to proceedings before the commission, and the inefficiencies which representatives of the commission declare already exist by reason of lack of adequate force and funds, will become more marked if we reduce to the point authorized by the committee the appropriations for the use of the commission.

Either we ought to maintain this organization with sufficient funds and employees to enable it to perform its work efficiently or we ought to abolish it. We ought not to seek to discredit it, to impair its usefulness, to destroy its effectiveness, by denying it necessary funds with which to perform its functions. That is the issue involved in this amendment.

For the present I shall content myself with this brief statement and refrain from further discussion, reserving, of course, the right to resume the floor if it seems essential or necessary.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment of the committee.

The amendment was rejected.

Mr. DIAL. Mr. President, I want to make known my position on the Federal Trade Commission.

I want to say that I am a friend not only of the commission but of the members of the commission. If they need more funds in order to keep up with their work, we ought to provide the funds; but I regret the great delay that they have in submitting their reports. I hope that giving them this increase will enable them to catch up. If their reports are valuable, they will be more valuable if made quickly.

The PRESIDENT pro tempore. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading "Smithsonian Institution," on page 19, at the end of line 10, to strike out "\$40,000" and to insert "\$49,550," so as to make the paragraph read:

International exchanges: For the system of international exchanges between the United States and foreign countries, under the direction of the Smithsonian Institution, including necessary employees and purchase of necessary books and periodicals, \$49,550.

The amendment was agreed to.

The next amendment was, under the subhead "National Museum," on page 21, at the end of line 2, to increase the appropriation for purchase of books, pamphlets, and periodicals for reference from "\$1,500" to "\$2,000."

The amendment was agreed to.

The next amendment was, under the heading "State, War, and Navy Department Buildings," on page 22, after line 2, to insert:

Of the unexpended balances of the appropriations provided for in the executive and independent offices appropriation act for the fiscal year 1924, approved February 13, 1923, for salaries and for fuel, lights, and miscellaneous items for the office of the superintendent State, War, and Navy Department Buildings, there shall be immediately available and remain available during the fiscal year 1925 a sum from said appropriations, not exceeding \$125,000, for the erection of a temporary boiler plant for the heating of the Navy and Munitions Buildings and other Government buildings in the vicinity thereof, including all expenses incident to the setting of boilers, the procurement of all necessary equipment, laying of steam lines, etc.

The amendment was agreed to.

Mr. WARREN. Mr. President, I have understood that it has been agreed to have an executive session to-night, which perhaps will take some time. I should like to inquire of the Senator from Arkansas [Mr. ROBINSON] whether he would like to proceed now, as the next amendment brings up a matter of some importance, in which he has expressed an interest.

Mr. ROBINSON. I do not believe that it would be possible to conclude the consideration of the amendment to-day. In all probability it will require an hour or two to dispose of it, perhaps much longer than that. I am in accord with any purpose the Senator may have of proceeding now to the consideration of executive business. I do not see the Senator from Montana present, and I believe I shall have to suggest the absence of a quorum.

Mr. WARREN. The Senator can do that either before or after we go into executive session, as he likes.

Mr. ROBINSON. I think we had better have the absence of a quorum suggested now.

Mr. SWANSON. Mr. President, will the Senator yield to me before that is done?

Mr. ROBINSON. Yes.

Mr. SWANSON. There is a little joint resolution I want to get through which I called up this morning.

Mr. WARREN. Mr. President, I will yield the floor at this time, as it is necessary to have an executive session. I dislike very much to have to suffer the delay, especially as there is a special order for to-morrow, and we have agreed to recess. I shall be under the necessity in the morning of appealing to the Senator in charge of the immigration bill for time. In the meantime, I surrender the floor to those having other business to place before the Senate at this time.

INVESTIGATION OF INTERNAL REVENUE BUREAU

Mr. WATSON. Mr. President, I ask leave to submit a resolution and have it lie over under the rule.

Mr. ROBINSON. Does the Senator want to have it read?

Mr. WATSON. Yes.

Mr. NORRIS. Let us have it read.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The resolution (S. Res. 210) was read, as follows:

Resolved, That the special committee to investigate the Bureau of Internal Revenue, appointed under authority of Senate Resolution 168, agreed to March 12, 1924, be, and it is hereby, discharged from further consideration of the matter under inquiry by the said committee.

The PRESIDENT pro tempore. The resolution will lie over under the rule.

SURG. GEN. HUGH S. CUMMING

Mr. SWANSON. Mr. President, I brought up this morning the question of passing a joint resolution, but thought it proper to defer the request until just before adjournment.

Surgeon General Cumming, of the United States Public Health Service, was given a Legion of Honor decoration and also the highest decoration in Poland on account of his services in a medical way during the war. The House has passed a bill permitting him to accept these decorations. The Foreign Relations Committee of the Senate has unanimously reported this joint resolution. He is now in Europe, and if these decorations are to be conferred it would be well to have it done while he is in Europe.

I ask unanimous consent to call up at this time Senate Joint Resolution 100, Order of Business 367.

Mr. WARREN. Mr. President, I shall have to object to that. We are now about to go into executive session; and I move that the Senate proceed to the consideration of executive business.

Mr. SWANSON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Adams	Ferris	McKellar	Shipstead
Ball	Fess	McKinley	Shortridge
Bayard	Fletcher	McNary	Simmons
Brandeggee	Frazier	Mayfield	Smith
Brookhart	George	Moses	Smoot
Broussard	Glass	Neely	Spencer
Bursum	Hale	Norris	Stanfield
Cameron	Harrell	Oddie	Sterling
Capper	Harris	Overman	Swanson
Caraway	Heflin	Owen	Trammell
Coff	Howell	Pepper	Wadsworth
Copeland	Johnson, Calif.	Phipps	Walsh, Mont.
Cummins	Johnson, Minn.	Pittman	Warren
Curtis	Jones, Wash.	Ransdell	Watson
Dale	Kendrick	Reed, Pa.	Weller
Dial	King	Robinson	Willis
Dill	Ladd	Sheppard	

The PRESIDENT pro tempore. Sixty-seven Senators have answered to their names. There is a quorum present.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 20 minutes spent in executive session the doors were reopened, and the Senate (at 6 o'clock and 5 minutes p. m.) took a recess until to-morrow, Friday, April 11, 1924, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 10, 1924

POSTMASTERS

ILLINOIS

Edward F. Ledoyt, Sandwich.

MISSOURI

Philip M. Beesley, Robertsville.
Oley S. Cardwell, St. Clair.

OREGON

Thomas F. Johnson, Hood River.
Charles E. Lake, St. Helens.

PENNSYLVANIA

John D. Moll, Bernville.
Harry A. Garner, Wyomissing.

SOUTH DAKOTA

Hellen S. Angus, Humboldt.
Beatrice M. Dobson, Winfred.

TEXAS

Ewald Straach, Miles.
Lena Greenwade, Rochester.
James L. Davis, Tenaha.
Reed J. Smith, Van Horn.

WASHINGTON

Rudolph R. Staub, Bremerton.
Lear M. Linck, Longview.

HOUSE OF REPRESENTATIVES

THURSDAY, April 10, 1924

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, grant that in every problem we bring to Thee, in every question for which we ask Thy wisdom, that our souls may be blest. Always help us, dear Lord, to get our moral perspective right, and our spiritual proportions true. Give us each day to realize that we are now and always in the immediate presence of God. Help us to reconsecrate ourselves to all that is worthy. In our great calling may we withhold nothing that shall serve our country and help the burdened world. Let the sublime truth of Calvary's Cross be our guide and inspiration. Amen.

The Journal of the proceedings of yesterday was read and approved.

HON. WILLIAM RUFUS KING, VICE PRESIDENT, SENATOR, CONGRESSMAN, DIPLOMAT, STATESMAN

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill (H. R. 8544) which I introduced yesterday to erect a monument in commemoration of William Rufus King, former Vice President of the United States.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks in the Record on the bill which he introduced. Is there objection? [After a pause.] The Chair hears none.

Mr. ABERNETHY. Mr. Speaker, one of the great men produced in this country was William Rufus King, born in Sampson County, N. C., and who died in 1853 as Vice President of the United States.

Upon his death President Franklin Pierce, in a message to Congress, said of him:

Since the adjournment of Congress the Vice President of the United States has passed from the scenes of earth without having entered upon the duties of the station to which he had been called by the voice of his countrymen. Having occupied almost continuously for more than 30 years a seat in one or the other of the two Houses of Congress, and having by his singular purity and wisdom secured unbounded confidence and universal respect, his failing health was watched by the Nation with painful solicitude. His loss to the country, under all the circumstances, has been justly regarded as irreparable.

His death made such a profound impression upon the country that we find such men as Senator Stephen A. Douglas, of Illinois; Senator Lewis Cass, of Michigan; Senator Robert M. T. Hunter, of Virginia; Thomas H. Benton, then Congressman from Missouri; the great Senator Edward Everett, of Massa-

chusetts; Congressmen Sampson W. Harris, of Alabama; Joseph R. Chandler, of Pennsylvania; Milton S. Latham, of California; Taylor, of Ohio; Phillips, of Alabama; Ashe, of North Carolina; and others paying great tribute to his life, character, and attainments in addresses published in 10,000 memorial volumes authorized by Congress.

The great Edward Everett among other things said of him:

Few of the public men of the day had been so intimately associated with the Senate as the late Vice President. I think he had been a Member of the body for more years than any person now belonging to it. Besides this, a relation of a different kind had grown up between him and the Senate. The Federal Constitution devolves upon the people, through the medium of the Electoral Colleges, the choice of the Presiding Officer of this body. But whenever the Senate was called to supply the place temporarily, for a long course of years, and till he ceased to belong to it, it turned spontaneously to him.

He undoubtedly owed this honor to distinguished qualifications for the chair. He possessed, in an eminent degree, that quickness of perception, that promptness of decision, that familiarity with the now somewhat complicated rules of congressional proceedings, and that urbanity of manner which are required in a Presiding Officer. Not claiming, although an acute and forcible debater, to rank with his illustrious contemporaries, whom now, alas, we can mention only to deplore—with Calhoun, with Clay, and with Webster (I name them alphabetically, and who will presume to arrange them on any other principle), whose unmatched eloquence so often shook the walls of this Senate—the late Vice President possessed the rare and the highly important talent of controlling, with impartiality, the storm of debate, and moderating between mighty spirits, whose ardent conflicts at times seemed to threaten the stability of the Republic.

In fact, sir, he was highly endowed with what Cicero beautifully commends as the boni senatoris prudentia, the "wisdom of a good Senator"; and in his accurate study and ready application of the rules of parliamentary law he rendered a service to the country, not perhaps of the most brilliant kind, but assuredly of no secondary importance. There is nothing which more distinguishes the great national race to which we belong than its aptitude for government by deliberative assemblies; its willingness, while it asserts, to respect what the Senator from Virginia in another connection has called the self-imposed restrictions of parliamentary order; and I do not think it an exaggeration to say that there is no trait in its character which has proved more conducive to the dispatch of the public business, to the freedom of debate, to the honor of the country—I will say, even which has done more to establish and perpetuate constitutional liberty.

Of him Mr. Douglas said:

Those whose happiness it was to be associated with Colonel King, in public duty and private intercourse, are alone capable of realizing the extent of our loss. His example in all the relations of life, public and private, may be safely commended to our children as worthy of imitation. Few men in this country have ever served the public for so long a period of time and with a more fervent patriotism or unblemished reputation. For 45 years he devoted his energies and talents to the performance of arduous public duties—always performing his trust with fidelity and ability, and never failing to command the confidence, admiration, and gratitude of an enlightened constituency. While he held, in succession, numerous official stations, in each of which he maintained and enhanced his previous reputation, yet the Senate was the place of his choice and the theater of his greatest usefulness. Here he sustained an enviable reputation during a period of 30 years senatorial service, always manifesting his respect for the body by his courtesy and propriety of deportment. Here, where his character was best understood and his usefulness and virtues most highly appreciated, his loss as a public man and a private friend is most painfully felt and deeply lamented.

Mr. Benton, among other things, said:

Natives of the same State, and nearly of the same age, we emigrated when young to what was then the far West, and by the favor of our adopted States were both returned, and nearly at the same time, to occupy seats on the floor of the American Senate. Commencing—he in 1819, I in 1820—we remained for 30 years (with the exception of the brief interval in which he represented his country at a foreign court) Members of the same body—intimately associated in all the current business of that body and in all the amenities of social and private life.

But my knowledge of him goes beyond 30 years—goes back to 40—and not then to the beginning of his congressional service—when I first saw him on this floor. And I mention this first time of seeing him, and in what place, to do honor to the public man who could so long retain the confidence of his constituents, and to their honor for the steadiness of their support, and to the credit of our institutions, to which such stability between constituent and representative promises a duration not to be measured by the brief lives of those republics whose people were given up to fickleness and versatility.

The members who have preceded me have stated, and well stated, the illustrious career of the deceased, tracing his course through a long graduation, always rising, of public honors from the general assembly of his native State to the second office of his country—the Vice Presidency of this great Republic.

To me it only belongs to join my voice to theirs, and to the voices of all who knew him, in celebrating the integrity and purity of his life—the decorum of his manners, his assiduous and punctual attention to every duty—and the ability and intelligence which he brought to the discussion of the national affairs during his long service of 30 years.

Faithful to his adopted State, he exhibited when duty to her permitted the beautiful trait of filial affection to the honored State of his birth, a State which has so many claims upon her children—besides that of having first given them the vital air—for their constant and grateful remembrance, wheresoever they may go.

As friend, as associate, as native of the same State with the late Vice President King, I appear on this occasion and feel it to be in me, his senior in age, a providential privilege to assist in doing honor to his memory in the presence of the national representation.

I have introduced in the House a bill (H. R. 8544) to authorize the erection at Clinton, Sampson County, N. C., a monument in commendation of this great man at a cost not to exceed \$10,000.

It would seem meet and proper that this Nation of ours should perpetuate in marble his great deeds, his great virtues, his public services as an inspiration for future generations.

I append to my remarks a brief sketch of William Rufus King, sent me by Capt. Fitzhugh Whitfield, of Clinton, N. C.:

William Rufus King, lawyer, diplomat, Senator, and Vice President of the United States, was born April 7, 1786, in Sampson County, N. C., and is buried in Selma, Ala.; son of William and Margaret (Devane) King, the former of Sampson County, N. C., who rendered important services to his country during the Revolutionary War; was a member of the convention which was called to adopt the Federal Constitution, and was often a delegate from his county to the general assembly; grandson of Thomas Devane, of Huguenot stock, and of William and Mary (Woodson) King, of North Carolina; great grandson of Drury and Lucy (Christian) Woodson. His early King ancestors came from the north of Ireland and settled on the James River, in the Colony of Virginia. He was educated in private schools and graduated from the University of North Carolina in 1803. Afterwards he studied law in the office of William Duffy, of Fayetteville, N. C., and was admitted to the bar in 1805. Locating at Clinton, in his native county, he opened an office, and in 1808 was elected a member of the State legislature; was reelected, but resigned after his election as solicitor of the Wilmington district.

At the age of 24, in 1810, he was chosen to the United States Congress from North Carolina, continuing as a Member and supporting the measures of the Madison administration until 1816, when he was offered the position of secretary of legation to the American Embassy at St. Petersburg. He remained abroad for two years, traveling a great deal and being closely associated with William Pinkney, the envoy extraordinary and minister plenipotentiary to Russia. When he returned from abroad the Territory of Alabama was being organized, and he soon determined to locate in this section of the country.

He secured a residence and plantation near Cahaba, in Dallas County, Ala., and in 1819 was elected from this county as a delegate to the convention which formed the first constitution of that State. He was a member of the subcommittee which drafted that instrument.

When the first general assembly met he was chosen to the United States Senate, and served from December 14, 1819, until April 15, 1844. During the latter year, the relations of the United States with the foreign powers had become very sensitive in consequence of the proposed annexation of Texas, and he was prevailed upon to accept the mission as minister to France, where he rendered extraordinary service to his country and where he remained till 1846, when he was appointed by Governor Chapman to the seat in the United States Senate left vacant by the resignation of Arthur P. Bagby. He was reelected, serving from July 1, 1848, to January, 1853, when he resigned, and was elected President pro tempore of the Senate May 5, and July 11, 1850, resigning as President pro tempore December 11, 1850.

He was nominated for the Vice Presidency on the ticket with Franklin Pierce in 1852, and was elected to this office by a large majority. While serving in the Senate he contracted tuberculosis, and in 1853 was forced to spend the winter in Cuba. By a privilege extended by special act of Congress he took the oath of office in Habana, Cuba, on March 4, 1853. As there was no improvement in his health he returned to Alabama, arriving in Cahaba the day before his death. He was unmarried. Last residence, Cahaba.

HARDING, AMBASSADOR OF PEACE

Mr. COOPER of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a speech re-

cently delivered by the gentleman from New York [Mr. CLARKE] on the life and character of the late Warren G. Harding.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks for the purpose indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Ohio. Mr. Speaker, I ask permission to extend my remarks in the RECORD by printing a recent speech delivered by Hon. JOHN D. CLARKE of New York, at Binghamton, N. Y., which deals with the life and character of our late President Warren G. Harding:

Peace is the reasonable hope as well as the subject of the devout prayer of the nations of the world. The realization of peace is the final test of civilization and Christianity. Heretofore diplomacy and war have been the final word in apparently unavoidable disputes between nations, and it has been to the arts of war that nations have devoted their greatest skill and untold treasure, thereby acknowledging the ineffectiveness of diplomacy. Experience has demonstrated the futility of national agreements when selfishness is in the ascendancy; our histories therefore abound in stories of war.

Peace in its ramifications is the crying need in the Nation's as in world life. It is needed in the industrial, economic, social, political, and religious activities of the entire world. Peace was the doctrine preached by the lowly Nazarene, almost from His beginnings in the manger at Bethlehem until His crucifixion upon Calvary. Ringing down through the ages have come the priceless teachings of the Prince of Peace urging the world to "beat its swords into plowshares," its cannon and instruments of death into such instruments of hope and help as befit civilization and the times, and "ye would not." We have accordingly "sowed the wind and reaped the whirlwind."

Through the centuries that have elapsed since the Prince of Peace lived and gave us His holy preachments of "Peace on earth, good will to men," others, finding their inspiration in His thought, especially after periods of great violence and wars, have taken up and espoused the cause of peace, and some of their efforts are worthy of a brief review, for they will refresh our memories, prove the futility of past efforts, and give us a proper setting in which to review and more thoroughly appreciate those masterful steps toward peace of our departed—the beloved President—Warren G. Harding.

It was a condition in Italy largely paralleling the unsettled times we are in which inspired Dante in his *De Monarchia*—written between 1310 and 1314—to make his plea for the revival of the Roman Empire in order that it might work for and help in enforcing the peace of Europe through the unity of action of the European governments.

Two hundred years later we find the Emperor Maximilian of the Holy Roman Empire seeking to join with Francis I of France, with Henry VIII of England, and King Charles of the Low Countries in an effort to bring peace to Europe, all to no avail. The answer to this failure is found in the work of that great scholar, Erasmus, entitled "Complaint of Peace," where he says "certain persons who get nothing by peace and a great deal by war threw obstacles in the way which prevented this truly kingly purpose."

Our own William Penn produced his "plan for the permanent peace of Europe."

So it was in the aftermath of the World War, with new governments, largely modeled on Anglo-Saxon institutions, seeking to evolve, become stabilized, and serve their people, with peoples groping toward the light, with uncertainty abounding, with racial and national jealousies pervading the whole world, when everywhere were misgivings and turbulence, turmoil, and the hellish trail the horrors of war had left with the ineffaceable traces, and peace was the universal prayer of the sorely tried world, that there was inaugurated as President of the United States Warren Gamaliel Harding, filled with love of his fellow man, kindly in thought and action, fortunate in the love and devotion of his wife, one who sought to point the Nation's path toward peace and the moral leadership of the world.

To know the man so as to correctly appraise his motives and his works, let us summarize briefly some phases of his life. He was the product of a simple country environment. With Lincoln and countless others in our imperishable history, sprung from humble beginnings. He made his way through the school of adversity, up through the university of hard knocks, onward through indefatigable zeal and industry, upward because of an all-pervading Christian faith, he evolved amidst the opportunities our form of government offers, first into a United States Senator, then as our President. In patience and travail of soul he sought the correct solution of the multitude of problems that followed in the aftermath of the World War. With an almost divine sympathy for all, oftentimes misunderstood, making his supreme effort toward "normalcy" or peace at home, and seeking everlastingly to promote a kindlier feeling and better understanding with all the nations of the world.

So to-night, amidst a part of his people who too little understood, who too freely criticized his efforts without a full understanding of the facts, I wish to bring my slight tribute, "lest we forget, lest we forget,"

for most of us do not know that President Harding was the inspiration of more great advances and more practicable steps taken toward bringing peace to a war-rent world than any other man in history.

To obtain the viewpoint, to ascertain the actuating motive, the hope, and prayer that was behind President Harding's efforts, we need only look to his own public statements and his words that do follow. He says:

"My soul yearns for peace. My heart is anguished by the sufferings of war. My spirit is eager to serve. My passion is for justice over force."

Or again in these, his words, when, rising above the lowlands of little minds, he scaled the divine heights of self-effacement, as well as those great heights of political and moral courage, when he said:

"Lots of people like me but do not like my administration. Many think me too timid to really do big things. Well, I am going ahead in an effort to make the world safe for humanity, even if it costs me another term in the White House."

Let us measure Harding's accomplishments toward world peace freed from the petty bonds of politics, and interpret his efforts and successes only by the wider vision of the world's need. Let us remind ourselves that we were technically at war with the Central Powers when he was inaugurated President and that we are not yet three years from the time when President Wilson pocket vetoed a bill because it failed to carry an appropriation for an army of 576,000; that we are just that same less than three years from the time when Secretary of War Baker was urging an army of 600,000, and Josephus Daniels, as Secretary of the Navy, was prodding and seeking, through "pitiless publicity," to drive the Congress of the United States into a race with Great Britain and Japan in the building of great battleships as the instruments of war and death.

And yet to-day under the leadership of that great ambassador of peace, President Harding, the Army numbers but 125,000, as small an Army as we ought to have; the race in building great battleships is run and the scrapping of those battleships begun by the great powers of the world. The whole campaign for the placing of the added burdens of taxation for war purposes upon the backs of the people has been eliminated, for it was the voice of Harding that aroused the war-weary world with the cry for military retrenchment. As has been said of him:

"He was no impractical dreamer. He did not propose to expose our liberty to venturesome marauders or rival States. He proposed a naval holiday for all the world, as helpful as it was holy, as practical as it was simple."

Here is the program of President Harding, as outlined in the address he prepared on his trip to Alaska that but for his final illness would have been delivered. When he found that his strength would not sustain the effort of delivering it, he directed that the address be released for publication:

"With faith in our own sincerity of purpose, with the consciousness of utter unselfishness, the administration promptly undertook the accomplishment of four main tasks:

"First. The reestablishment of peace with the Central Powers and the orderly settlement of those important after problems of the war which directly involved the United States;

"Second. The protection and promotion amid the chaos of conflicting national interests of the just rights of the United States and the legitimate interests of American citizens;

"Third. The creation of an international situation, so far as the United States might contribute thereto, which would give the best assurance of peace for the future; and

"Fourth. The pursuit of the traditional American policy of friendly cooperation with our sister Republics of the Western Hemisphere.

"The eminent success and the far-reaching achievements must have their ultimate appraisal by American public opinion, but I submit them with unrestrained pride and sincere tribute to the historic services of a great Secretary of State."

First. "Peace with the Central Powers of Europe." An accomplished fact.

Second. "The protection and promotion, amid the chaos of conflicting national interests, of the just rights of the United States and the legitimate interests of American citizens." Now in process, with great progress, in solution.

Third. "The creation of an international situation, so far as the United States might contribute thereto, which would give the best assurance of peace for the future." That monumental achievement in the calling of the Disarmament Conference, when the leading nations of the world gathered around the conference table in Washington to see if there were not some way that the wicked race in the preparation for war could be stopped. It was my priceless privilege to be at the opening of that conference, to hear the matchless address of President Harding. He seemed to express the prayer of the millions of anguished souls who had gone through the tortures of the damned in the great World War conflict when he uttered the sentiments for

the stopping of the mad race in the building of engines of death and the planning of the destruction of our fellow man. Time after time, under the inspiration of that address, those cold, calculating diplomats had joined with that great assembly, the Congress of the United States, the Supreme Court, and the mighty company there gathered, in applauding the sentiments for peace so vividly and powerfully expressed by our President. When his great argument was completed it was followed by the vigorous, able, practical, far-seeing arguments of Secretary Hughes, by the presentation of a plan to accomplish that end. There was no diplomat that in the face of the sentiment of his own country dared return without making a supreme effort toward framing a treaty that should eliminate the possibilities of war between these great nations. As a result every one of the contentious possibilities that contained the germ of war in the Far East was eliminated. The historic, epoch-making agreement was signed, to not alone stop the race in the building of battleships but for the reduction of those great engines of death upon the historic 5-5-3 basis. The parts of China that had been taken from her by some of these nations were returned, her national integrity restored, and China stood upon her feet as a nation with the "open door" for fair dealings with the nations of the world.

Fourth. "The pursuit of the traditional American policy of friendly cooperation with our sister Republics of the Western Hemisphere."

(a) The five Central American Republics—Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador—always the hotbeds of revolutions and rebellion, assembled in Washington last December, new understandings were reached, the treaties of 1907 made effective, limitation of armaments agreed on, as well as nonaggressive treaties and the submission of disputes to arbitration, cooperation and the avenues of peaceful progress made clear through the establishment of the Central American tribunal.

(b) Panama and Costa Rica were about to engage in war when, thanks to the kindly offices of this peace-loving President, an old agreement for arbitration entered into by those two countries was brought to their attention and a peaceful settlement followed.

(c) For 30 years Chile and Peru have been threatening to go to war in the Tacna-Arica dispute. Again it was confidence in our President that led those Governments to agree to submit to arbitration the settlement of that long-standing dispute.

(d) Distrust and resentment were running high in the Dominican Republic because of the presence of our military forces, due to disorder there; to-day the process of setting up a constitutional form of government is making splendid progress, and kindly expressions of approval abound amongst the Dominican people, and it is probable that our troops will be withdrawn within the year.

Fifth. The World Court. Let me first make this statement: That President Harding had no idea, intention, or plan, present or remote, of putting this Nation in the League of Nations. Thus clearing the air, let us examine into the merits of this World Court without prejudice, with open minds, and with a devout prayer that if it offers an effective method, without resort to force, as a supreme court of the world, to settle apparently unavoidable disputes between nations, we should adopt it. What was it that President Harding proposed when, on February 24, 1923, he sent a special message to the Senate urging it to consent to our adhesion to the protocol and to the statute creating the court, so that we might "remind the world anew that we are ready for our proper part in furthering peace and adding to stability in world affairs"?

He also submitted at the same time the recommendations of Secretary Hughes which indicated how with certain reservations we may fully adhere and participate (in the court) and (at the same time) remain wholly free from any legal relation to the League of Nations or assumption of obligation under the covenant of the league. Four reservations were proposed; they were as follows:

1. No legal relation to the league is involved;
2. The United States may participate in the election of judges through representatives designated for the purpose and on an equality with other States;
3. The United States will pay a fair share of the expenses of the court;
4. The statute establishing the court shall not be amended without the consent of the United States.

This is not a partisan issue. A large majority of the Senators of both parties have expressed their approval, as have also the Chamber of Commerce of the United States, the American Bar Association, the American Legion, the General Federation of Women's Clubs, great church organizations, etc.

So let us as citizens meet our obligation and duty and let us only criticize after we have faithfully examined into the merits of this great proposition that promises so much to the long-suffering world. If we are looking for precedents, picture our thirteen original States with the numerous petty jealousies raging between the States; each wanting to assert its sovereign rights; each imposing tariffs upon imports from other States; each trying to raise up barriers and contentious ques-

tions, and see the permanent, enduring success in the peaceful settlement of all these disputes by our own Supreme Court. In that Supreme Court of the United States we find the precedent for the establishment of the supreme court of nations, or a world court, if you please, as a permanent third party in international disputes. Such a supreme court of nations or world court would be an insurer of peace, not because it makes the resort to force impossible but because it would be constantly responsive to human needs and be regarded not as a super State or arbitrary mentor, but as representing the composite integrity of civilization.

WORLD PEACE CONFERENCE

And finally, the great bequest, though intangible in form, was the idea that was known to many of us that President Harding cherished the plan of calling a world peace conference. Who knows but what, out of the interchanges and conferences of nations now going on, the bequest of this great idea from our martyred President may be seized upon and translated into an actuality.

To gather representatives of all the governments of the world into an assembly whose divine objective is to promote good will, the handmaiden of peace; to break down jealousy, suspicion and doubt, to create faith of every government in every other government; to broaden the understanding of every government and make it more sympathetic in its attitude toward the problems of every other government; to breed hope instead of hate; to create trust instead of distrust—what nobler accomplishments could challenge civilization, yes Christianity, itself.

Salute! To those who hitch their wagon to the star of helpfulness in a world of trouble, trial and tribulation, and center their efforts upon lightening the load and brightening the way of their fellow man or men!

Salute! To those who seek to serve and in serving lift their fellow man a little higher and farther along the way toward a peaceful to-day and all the to-morrows—Heaven begins for such as that right here and now.

The moving finger of history indeed doth write the record of the mortals who pass this way but once, and I want written opposite my name, "One whose little name and little fame shall be ever associated with peace and conciliation. One who scattered good fellowship. One who compromised not with principle. One who sought to serve under the leadership of that ambassador of peace who tried to point the pathway of peace and through kindness of heart, through consecration to Christian principles, hath left a record, helpful to this day and generation, inspiring and uplifting to all who come afterwards.

How fitting that the end of this earthly pilgrimage, of the peace-seeking, peace-making President should have come out where the gold sunsets seem to fall into the Pacific, out where the storm-tossed sailor finds his haven of safety in the harbor of the Golden Gate. And as that spirit took its flight, methinks I can see the Prince of Peace waiting on the other shore, to speak His welcome to a faithful ambassador of peace in these words, "Well done, thou good and faithful servant, enter thou into the joy of the Lord."

WOODROW WILSON—A EULOGY

Mr. HOWARD of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks on the late Woodrow Wilson in the RECORD.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. HOWARD of Oklahoma. Mr. Speaker, the life of the scholar is ended. The years of struggle for a better world are done. The last sad months of disappointment and bodily pain are no more. The warm heart, filled with the love for Man, is stilled. In the Capital of the Nation that he loved and served so well, beneath the arched heights of a house dedicated to God and to Peace, lies the body of Woodrow Wilson.

On a clear and bright morning just heralding the approach of springtime, when the world is glad, his tired but dauntless spirit heard the call of another Apostle of Peace, and he answered the call. From out the sick room of the enfeebled body the soul, full blown in its strength and beauty, leaped across the barrier to eternal life, and soaring past the noonday sun, went on its way to the throne of God. And as the solemn bells tolled out the sad word, a grieving world was left to mourn at the bier of one who tried to wipe away its sorrows and bring gladness to its heart.

I am glad that I have lived while he lived. I am saddened at the thought that I shall not live to see his true greatness fully realized by a world that is slow to recognize real worth. To generations yet unborn is to be accorded a privilege that is not to be ours. They shall know him as we can not; they shall love and revere and glorify him with a reverence even deeper than that which we bear him.

With the simple rites of a child we placed him to rest among those unnumbered heroes whose dust we cover with flowers. Amid a world's sorrow we gave his body back to the earth, his soul to God, and his name and ideals to posterity. It is not within my poor power to add to the glory of his achievements. It is not within the power of this generation to realize the full import of his longings, for we are of the generation that bore him. But in the years to come, when our children and our children's children look back through the long and quiet retrospect, they shall see him standing as an inspiration for righteousness, his glory undimmed by the blots of personal and partisan vilification. Then the war drums shall be stilled, and the children of the men who sought to kill on the battle field shall join hands in working for the common ends of world peace. And in all nations of the world, even unto the farthest most quiet places of the earth, as mothers press their sons closer to their hearts and as fathers look about them and see their family circles unbroken by the dread toll of war, there shall arise to heaven a mighty prayer of thankfulness to God for giving Woodrow Wilson to the world that he might wipe away its tears.

Monuments of stone shall throughout the world rear their proud heads toward heaven to proclaim his glory. Volumes shall be filled with the praise of him, the gratitude of an indebted people. His name shall be placed forever among those immortal few who never die. But in the hearts of all peoples there shall be to him a monument more to be desired than those of marble or of granite. For all time to come Woodrow Wilson shall stand in all parts of the world as the symbol of steadfastness to purpose in the cause of right, even though the path of duty leads into the shadow of the grave. What an inspiration his life shall be to those who are to come and, catching up the spark of a divine truth, shall seek to teach it to men! He might have spared himself the heartaches of a cruel vilification had he been willing to sacrifice truth to the exigencies of selfish demands. He might have saved himself from repudiation at the hands of his people had he been willing to sacrifice the crying need of brotherly love among nations and men. Transient honors, however, purchased with the shirking of duty, was not his choice. Repudiated at home because of his vision, the victim of the most malicious persecution since the days of the dark ages, he fought on toward the ideal. Even as the stainless knight of the legendary king dedicated his life to the search for the Holy Grail, so did this "stainless knight of a stainless cause" dedicate his life to the search for peace.

When the voice of the people he tried to save cried out against him, when he saw the unselfish dream of a lifetime trampled under partisan feet, he might well have been excused had he retired into the life of a bitter recluse. But bitterness because of defeat was not in the make-up of Woodrow Wilson. When the people had spoken he accepted their verdict and retired to the life of a plain American citizen, not criticizing those who succeeded him, but ever clinging to his ideal, and ever ready to lend the helping and guiding hand if it should be needed. And as the shadows of the long darkness lengthened about him; as the din of the combat faded slowly into the silence of the dreamless sleep, and as the lips that had pleaded so eloquently for Man were stilled in death, he was "sustained and soothed by an unfaltering trust" that the right should triumph. "It is right," he said, "we shall prevail."

As we shall honor him for his ideals, so shall we love him for the big human heart that guided his footsteps. Seldom in the history of the American people has one man guided the destiny of our Nation through such a crisis as did Woodrow Wilson. Seldom has one man been placed in the position of power that was his. Never before has one man occupied in the world arena the place that he occupied. Through it all he wanted not only to guide his people, but to be loved by them as well. While he was at the height of his power and honor a well-meaning writer, reflecting an erroneous public opinion, referred to him as "a keen intellectual machine." The great heart that longed for human love was deeply wounded. "I want to be loved by the people," he said to his secretary, "but I fear I never shall be." Oh, what a tragedy those words impart! Visualize the picture of the world's most powerful man wanting only the love of his people! Look deep into his soul, and see there the sorrow because he believed that love was denied him.

While he yearned for the love of his people his enemies assailed him as being void of human emotions. The humanity of Woodrow Wilson was not of the type that glories in, and is satisfied with, the name of "a good fellow." His work was of a more serious nature, and extended to helping Man, not merely to felicitating him for trivial accomplishments in the hope of winning his smile and his vote. Long before the declara-

tion of war he had visualized the countless rows of tiny white crosses on France's soil. He had been present at the broken firesides, and had seen there and shared the sorrow for the one who was gone.

Though enemies ridiculed his efforts for peace, he bore their attacks and still hesitated to bring to his people the heartaches of war, ever hopeful that they might be avoided. Then, when his efforts had failed and an arrogant and power-crazed enemy defied the laws of God and Man, his was the heart that grieved the most as he signed the declaration that meant war. Void of human emotions? Yes; if the love for man is no longer a human emotion. Heartless? Yes; if it is a heartless act to lay down your own life that others might live.

As our dauntless leader lay dying, great multitudes gathered in silence about his simple home, awaiting with quickened breath the word that the President still lived. Tear-stained men, hardened to the sorrows of life, knelt in prayer and asked God that he might be spared. Women and little children carried flowers to his doorstep and left them there as a loving tribute to the man of the great heart. Well might one's thoughts have gone back some 2,000 years ago when other men and other women and little children kneeled on a mountain side in a distant land and wept and prayed as the spirit of another persecuted Apostle of Peace went on its way to its Maker.

Now, the hand that guided our destiny is stilled in the long sleep. No longer does the voice of righteousness ring its challenge to a selfish world. The soul that yearned for peace has wended its way to the throne of God, there to account for the life that was entrusted to it. Oh, Woodrow Wilson, in the land into which you have gone, in the presence of the Almighty God of Love, may you find the peace that you sought to teach to men. There may you sit in council with other immortal martyrs who held truth more sacred than temporary earthly honors. There may your unselfish heart find companionship in the brotherly love that permeated your life and teachings. And as we who are left behind strive in our poor way to carry on your unselfish work, take not your spirit from us, but let it be with us always that it may show us the way to the light.

Though he is taken from us in the body, I know that he will not forsake us in the spirit. Even now, from beyond the pathways of the distant stars, I think there comes to us his one clear call to service, the keynote of his life. From out the boundless heavens, defying the barrier of the grave, rings out the challenge:

From my failing hand to you I throw the torch. Mark well that you bear it high and faithfully, for in your hands is intrusted the peace of the world and the future of mankind.

CONSCRIPTION OF WEALTH

Mr. EVANS of Montana. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on House Joint Resolution No. 85, introduced by myself, looking toward the conscription of wealth.

The SPEAKER. The gentleman from Montana asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. EVANS of Montana. Mr. Speaker, no inconsiderable part of the best thought of the world is now devoted to the purpose of finding a solution for war. Many plans and proposed solutions have been submitted and are being considered. All the thinking world realizes that should another World War come, the present white civilization will be practically wiped out of existence. Competent military authorities now advise us that the next war will be mass extermination; that with the present development of gases, bombs, and airplanes no city in the world is secure from destruction. Given a little more time our laboratories will produce the means for the complete and orderly destruction of whole nations. Somebody recently said:

Give the war lords another fling and a thousand years from now perhaps a new race, struggling on toward knowledge, may begin to excavate the ruins of our cities and construct from corner stones and monuments some sparse records of present-day life.

The great mass of the people are opposed to war; these are the burden bearers in times of both war and peace. Generally speaking, the only people not opposed to war are they who hope for profit or promotion as the result of war.

If we can take the profit out of war we will come near solving the problem. Half a score of bills and resolutions have been introduced in this Congress looking to that end. Personally I

have sought to reach and remedy the matter by a constitutional amendment providing for the conscription of wealth as well as man power in case of war.

Mr. Speaker, a short time ago I had the honor to make a short statement on this subject before the Military Committee of this House and, without objection, I ask to include the same here:

STATEMENT OF HON. JOHN M. EVANS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MONTANA

Mr. EVANS. Mr. Chairman and gentlemen of the committee, it is very gracious of you to permit me to appear.

For many years I have believed that the Government ought to conscript property, wealth, in the case of war. I advocated it upon the floor during the war, I advocated it to my home people. I introduced at the opening of this session House Joint Resolution No. 85. This resolution was referred to the Judiciary Committee, so it is not before your committee. I doubly thank you for the opportunity of presenting it to the committee so, if possible, it may go into the record and receive such consideration as the committee may think it merits.

This resolution is very brief, and I will read it. It is for a constitutional amendment, and reads as follows:

"[H. J. Res. 85, Sixty-eighth Congress, first session]

"Joint resolution proposing an amendment to the Constitution of the United States

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"SEC. 1. In the event of a declaration of war the property, equally with the persons, lives, and liberties of all citizens, shall be subject to conscription for the defense of the Nation.

"SEC. 2. Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

My own thought was—and I have maintained it on the floor of the House—that Congress now has the power to conscript property, but it has never been done to any great degree. We took over the railroads, to be sure, but we took them over because they wanted to be taken over; they had broken down and needed the financial support of the Government to carry them on. But we have never attempted in a general way to take property. I personally believe that property is not more sacred than the human souls and bodies, and to our shame we made 23,000 millionaires out of the profits they made because we did not conscript property during the war, and my thought was to put the matter in such a way that the question could not be raised in a court process in the event we were so unfortunate as to get into another war to test out the question of whether or not it was constitutional.

So I attempted to put this matter in such shape as to get it before the proper committee with the view of adopting a constitutional amendment providing, as I said, that in the event of war property and people alike should be subject to conscription.

I have read the other resolutions here, which are properly before your committee, and mine is not, and I beg to say that I have no pride of authorship about what ought to be done in the matter, but I think something ought to be done, and I do not care whether it comes up in the way of legislative enactment or by constitutional amendment, but I think we owe it to ourselves and to the country and the children coming on that something be done.

I am perfectly confident that sooner or later in the history of this country this question is going to come before them in such a manner, and it ought to be settled in times of peace; in other words, in times of peace I think we should prepare for war.

We have had a very bitter experience in the last 10 years, and I am very glad, indeed, that a number of people are interesting themselves in the subject, both in Congress and out of Congress.

Now, I will be glad to answer any questions that I can answer, which may be very few upon this particular question.

If anybody has anything to suggest as to my theory, or why I am doing this, I should be pleased to try to answer him or give such information as I can.

Mr. MCKENZIE. I take it from your statement that you have some doubt about the authority of the Government in certain cases to conscript. In other words, you feel that at least they would go into the court and set up the plea that the Government was undertaking to violate the Constitution?

Mr. EVANS. Exactly.

Mr. MCKENZIE. Now, you want to head that off by having a constitutional amendment to bar that plea?

Mr. EVANS. Yes, sir; as a man of only limited legal knowledge, so far as the Constitution is concerned, I have no doubt of the inherent right

of the Government to do that thing; but I am just as confident as I stand here that the first time we lay hands on some of the big properties they will go into court and tie up the Government, perhaps until the war is over, and we ought to have that question thoroughly settled—that the Constitution of the United States provides for conscription of property—and that is why I am trying to get it into the Constitution.

Mr. MCKENZIE. It might be true that a man could not tie up the Government and prevent the Government from taking possession, but he might go into court and recover unseizable damages?

Mr. EVANS. Yes; it complicates the situation so that on the floor of the House men say, "It is not constitutional; it is not constitutional." So let us make it constitutional before we get into the war.

Mr. MCKENZIE. I think we have heard that on the floor of the House.

Mr. EVANS. Yes; I am sure I have heard it.

Mr. GARRETT of Texas. Do you not think that the great benefit that would come from legislation of this kind or from your constitutional amendment would be that if the Congress should say now, in peace time, that in the event of war there shall be no person or corporation in the United States that shall make profit during the war, and that not only will you conscript or draft men but that you draft also the industrial power? If you did that, so that every industry in the country would know in the beginning that they are not to make any profit and not make any more than the boys on the firing line, would you not have every industry in the country advocating peace rather than war?

Mr. EVANS. Unquestionably; and that is the end we are seeking.

Mr. MCKENZIE. Is not this true also, Mr. EVANS, that when we were in the World War we heard it stated on the floor of the House of our Congress many times that the Constitution of the United States had been put in abeyance and it was absolutely being ignored, and we were going ahead and paying no attention to the Constitution? Did you hear that argument?

Mr. EVANS. Oh, yes; I heard that argument, and I think there is a degree of truth in it, that we suspended the Constitution during the war, and we suspended a lot of laws that we ought not to have suspended during the war, and I would like to get the matter in such shape that we won't have to do that again in case of war.

My thought is that every man and every woman and every dollar's worth of property should be subject to conscription. In other words, the Government, the instant war is declared, should reach out its strong arm and take them all. It should say to the farmer or the laboring man, "You do that; you go at that!" It should say to the owner of factories, "You will make no profit on your business; you may have a reasonable, decent living out of it, and whatever is the increment in addition to that will go to the United States Government." They can say to the military man, "We want you for the trenches." That is what they would say to the men they wanted for military service. To the older men not capable of military service the Government could say, "I want you to do this or that"—whatever those men were capable of doing—and they could say to them all, "If you don't do this as we tell you, we will put a uniform on you with stripes running the other way and send you to Leavenworth."

Why should men manufacturing guns, munitions of war, blankets, uniforms, tents, shoes for soldiers, and even coffins to bury our illustrious dead make a profit off these articles? Why should shipbuilders, the coal owners, the oil owners, make a profit at the expense of the American people when the life of the Nation is at stake? As I have heretofore indicated, I do not favor the confiscation of any of these properties, but I do advocate the confiscation of all profits made out of these properties. Out of the financial return from these properties give the owners a decent and respectable living and let everything above that accrue to the Government, and when that is done the chances of war will be minimized, if not abolished.

I am going on the theory that every man and every woman and all property should be subject to the Government and nobody make any profit, but only a decent, respectable living. That is all you give the soldier, and, in fact, you hardly give him a respectable living; and at the same time, to the shame of the world, we had 23,000 people who were made millionaires by reason of the war.

Mr. HILL of Maryland. I agree with my colleague, and he has studied this question carefully.

Is there any reasonable argument that can be made against the proposition? To me it is so absolutely true and practical that I can not see any argument on the other side. Take the situation during this past war. The young man was taken with everything in the world he had, which was his body and his brain and his soul; that is all he had. He was taken, and his more or less wrecked plant was turned back under very different conditions than the industrial plants were turned back. And I can not see any other position to it.

Mr. EVANS. Yes; one of my home papers editorially commenting on my resolution—and it received some publicity at home—says, "The Evans proposition in theory is correct." And there it stops. Of course it is correct in theory. Now, if it is correct in theory, why is it not correct in practice? The only reason it is not correct in prac-

tice is because the fellow who makes millions out of the business does not want it put into practice, and I do.

Mr. HILL of Maryland. And he is the only one that objects.

Mr. EVANS. The only one that objects and the only one that makes a profit.

Mr. HILL of Maryland. You have large copper mines out there?

Mr. EVANS. Yes; and they made many millions in my State out of copper during the war. I think those copper mines should not be confiscated, but I think they should be taken over and operated for the benefit of the Government, the owners paid for depreciation and given their out-of-pocket expenses, and the profits should go to the Government. Why should anybody be making money out of such things when our Nation is at war?

Mr. HULL. I would like to ask you the same question that I have asked before. Are you willing to go this far: Take not only the profit out of war, but take the profit out of preparedness for war during peace time?

Mr. EVANS. Oh, yes. It has been suggested by some people that I am too much of a pacifist. I do not believe I am.

Mr. MCSWAIN. You believe in fighting, but you believe in making everybody fight.

Mr. EVANS. Yes.

Mr. HULL. Well, is not this true: That if you can not take the profit out of preparedness for war during peace times it is almost hopeless to think about taking it out during the stress and strain of war after you have declared war?

Mr. EVANS. Yes; it is much harder to take it out after we have declared war.

Mr. HULL. But if you take it out in time of peace, you start with your preparedness plan at the proper time.

Mr. EVANS. Mr. Chairman, with your permission I ask to read a part of a letter this morning received from Milton Colvin, a professor of law at the University of Montana, who has had some former correspondence with me about this conscription-of-property amendment. Professor Colvin has maintained, and I agree with him, that the Government has the inherent right to conscript property in time of war; but he goes further than I have proposed and thinks that an amendment to the Constitution should be adopted making it mandatory to conscript property when the Government conscripts men. I think his views are worthy of your consideration, and I quote as follows:

"Without the aid of any amendment, property is now subject to conscription by the Federal Government in time of war for defense. Congress now has the power to enact appropriate legislation on the subject. The great trouble is that the National Government can use its discretion in the matter and can conscript property or not as it may decide. In the past it has not been decided to do so except in certain isolated instances. It seems to me that what is needed is an amendment making it mandatory for the Nation to conscript property whenever it conscripts persons for defense in time of war. Your amendment does not so provide. Under your amendment the Nation can still do as it pleases and so can Congress, for the effect of your amendment is merely to provide that property shall be subject to conscription. Would not the following wording change this discretionary amendment to a mandatory amendment:

"SECTION 1. In the event of a declaration of war the property, equally with the persons, lives, and liberties of all citizens, shall be conscripted for the defense of the Nation.

"SEC. 2. Congress shall have the power to enforce by appropriate legislation the provisions of this article."

"Under the above amendment there will be no 'if' or 'and' about it. The Federal Government would have no choice in the matter, but would be compelled to conscript property the moment they began conscripting persons. This would be a great deterrent to entering into war as a means of settling our difficulties with other nations.

"I want to say that the people of this district are certainly approving your actions in Congress in connection with finding means toward preventing war, and it is to be hoped that you keep up and win the fight. I hope you will find time to write me your reaction on my suggestion."

This letter was just received by me. I have not had time to give it mature consideration, but I submit it for the benefit of your committee.

Mr. Speaker, this thought of conscription of property is not confined to a few or a lot of parlour pacifists, it is being advocated by many of the best soldiers, statesmen, and scholars of the country. Maj. Gen. Clarence R. Edwards, a Regular Army man, who commanded the Yankee Division in France, is quoted as saying:

Patriotism should not be penalized. We have in the past drafted lives, but not capital and labor. When you get a law passed that every man, woman, and child, every industry and bank account will be mobilized on the instant war is declared there won't be any more war.

The late President Harding in his Memorial Day address at Arlington in 1923 said:

In the next war, if conflict comes again, we will not alone call to service the youth of the land, which has in the main fought all our wars, but we will draft every resource, every activity, all of wealth, and make common cause of the Nation's preservation. God grant that no conflict will come again, but if it does it shall be without profit to the noncombatant participants, except as they share in the triumphs of the Nation.

John R. Quinn, national commander of the American Legion, and many other officers and influential persons connected with that organization are becoming active in support of such a proposition.

The press and magazines are concentrating the attention of the people on the subject.

I give it as my judgment that the passage of House Joint Resolution 85, or any other one of the bills and resolutions now pending with the same purpose in view, would be an epoch-making piece of legislation, and to its serious consideration I invite your attention.

ORDER OF BUSINESS

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that on Friday and Saturday of this week the House meet at 11 o'clock instead of 12 o'clock. I make this request for the purpose of assuring the passage of the immigration bill this week.

Mr. GARRETT of Tennessee. Mr. Speaker, I think that will be quite agreeable to the Members, in so far as I have heard it discussed.

The SPEAKER. The gentleman from Ohio asks unanimous consent that on Friday and Saturday of this week the House meet at 11 o'clock. Is there objection?

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, has the gentleman in mind, if necessary, the possibility of having night sessions?

Mr. LONGWORTH. I will say to the gentleman that I think it is vitally necessary the bill should be concluded this week, and it seems to me, in all probability, if we meet at 11 o'clock and run for a reasonable time on Friday, we ought to reach a vote on Saturday before dinner, and I think we ought to come to a final vote this week.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

LAW ENFORCEMENT

Mr. CRAMTON. Mr. Speaker, I ask recognition at this time.

The SPEAKER. The gentleman from Michigan, by special order of the House, has the right to the floor for 20 minutes.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that I may extend and revise my remarks in the Record.

The SPEAKER. The gentleman from Michigan asks unanimous consent to revise and extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. Mr. Speaker, because I recognize the conditions that prevail to-day in the House I do not desire to ask any extension of time from the House and am obliged to ask that I be not interrupted during the course of my remarks.

When there met in this city in January the so-called Face the Facts Conference of the Association Against the Prohibition Amendment I spoke in this House concerning that conference, terming its membership "leaders in nullification" and describing the association as having "in its aims, its policies, and its methods more possibilities of evil for the future political, industrial, and moral welfare of our land than any other organization in existence."

To-day there meets in Washington another conference of a far different character, the convention of the Woman's National Committee for Law Enforcement, rallying the women of our land to "save America" through allegiance to the Constitution and observance of law. Where the former put self and selfish desire above all, that of to-day calls for the unselfishness of service and sacrifice for the common good. To-day are we reassured.

This meeting of the women of America carries richer promise of effectiveness of the eighteenth amendment, fuller justification of the nineteenth. It revivifies the Constitution of the United States as the creed of Americanism wherein is written the fundamental purpose of this free people to "promote

the general welfare." It is the salvation of democracy which can only perpetuate itself by proven willingness, intent, and capacity to respect, obey, and enforce its own fundamental law.

April has many historic days, but not the least of them shall be this when the women of the Nation, so recently enfranchised, organizing for the fullest effectiveness of their political power, meet here to proclaim their demand—

For enforcement of all law, with special stress at present on the prohibition law, the front to-day where the battle against lawlessness has to be fought.

December 4, 1794, America was taking its first steps along the previously untrod path of government by democracy. It was beginning that great experiment in government that, surrounded as it was by the pessimistic prophecies of failure from blatant obstructionists of that day, must alike be guarded from the Scylla of Federal impotency and the Charybdis of monarchical despotism, and the wisdom of which was in time to be vindicated alike by world-wide imitation abroad and unmatched welfare at home.

THE LIQUOR TRAFFIC HAS ALWAYS BEEN LAWLESS.

A contemptuous challenge to the supremacy of law in that young democracy came in the so-called whisky rebellion of that year, of which James Madison wrote, on the date I have named, to his friend, James Monroe, then in London:

You will learn from the newspapers and official communications the unfortunate scene in the western parts of Pennsylvania which unfolded itself during the recess. . . . The event was in several respects a critical one for the cause of liberty, and the real authors of it, if not in the service, were in the most effectual manner doing the business of despotism. You well know the general tendency of insurrections to increase the momentum of power. . . . It happened most auspiciously, however, that with a spirit truly republican, the people everywhere and of every description condemned the resistance of the will of the majority, and obeyed with alacrity the call to vindicate the authority of the laws. . . .

The traffic in alcoholic liquors, based as it is upon the lowest motives that can actuate men, sordid greed, disregard of human welfare, the pandering to the baser appetites, has always been lawless. If granted a legal status, it has never kept within the bounds prescribed. When given an inch of privilege, it has seized a yard. When sheltered by the law, it has shown naught but contempt for its guardian. When given a place under law, it has uniformly sought to dominate the law and often succeeded in becoming the dictator in government. Always an outlaw in spirit, it has uniformly been in close union with all outlaws, contributing to or causing vice and crime everywhere. Whatever enemy of human welfare Law has sought to combat, it has always found that enemy in league with King Alcohol. It is not strange that when the law seeks to destroy this very traffic, it should show its contempt for law, should organize for war upon the very government itself, should attempt to demonstrate that lawlessness is above law in this Republic. That is the crisis of to-day in America. The people must again, as in 1794, "condemn the resistance of the will of the majority and obey with alacrity the call to vindicate the authority of the laws."

NOW MAKES WAR ON THE CONSTITUTION.

Recently Commander Root, of the Coast Guard, said before the Committee on Appropriations of this House, speaking conservatively and with due regard for his official responsibility:

For the sake of brevity I shall refer to the smuggler and his organization as the "enemy."

The mission of the enemy is to make money. His motive is cupidity. His operations are carried on by a force limited only by opportunities to use it. His legal and technical advisers are persons of the highest skill, unhampered by principles of any kind. He employs seagoing people, some of desperate character, many of whom served in the allied armies and navies during the World War. These people are armed and will fight if there is a chance of advantage by so doing. . . .

From what has just been said it should be apparent that—

(a) The enemy is engaged in open and organized warfare on the Constitution.

Nonenforcement of the law is bringing the National Government and the very Constitution itself into contempt, and, what is almost equally bad, is causing an ever-increasing flow of money into the coffers of the underworld. This money is being used to finance all sorts of criminal ventures, and is, I believe, one of the prime causes of the increase of crime.

Assistant Attorney General Mabel Walker Willebrandt recently wrote:

Our civilization is grounded in law. Learning has developed because nations are restrained by law. Man's power to overcome natural forces has been acquired by obedience to their laws. Steinmetz made electrical energy obey him by studying its manifestations and operating in line with the law that governed it.

I believe God is developing on this continent a great experiment in government. . . . But the country's sincerity, integrity, and honor are jeopardized now.

This great experiment, holding so much of promise for the welfare and happiness of our people, successful if democracy is really a success, in failure dragging down democracy itself, is now in the balance, as it faces this organized enemy, an enemy, as Mrs. Willebrandt says, "quite as real as, though more insidious, than the armies of a hostile nation."

Recently Mr. Evans Woolen, of Indianapolis, president of the trust company division of the American Bankers' Association, said:

A democracy gone wrong is a terrifying thing. A more terrifying thing than the murders at Herrin was the breakdown of civil government at Herrin. It broke down because it was not supported by sound public opinion. It is breaking down less dramatically but terrifyingly at other points.

THE LAWLESS CAN NOT TRIUMPH WITHOUT AID FROM OTHERS.

The organized enemy that Commander Root and Mrs. Willebrandt refer to, those who seek to transport, smuggle, manufacture, and sell alcoholic liquors in defiance of our fundamental law, find effective aid in three sources: (1) Those who buy that which the Constitution says shall not be sold. (2) Organizations of citizens who avow their lack of respect for the eighteenth amendment, handicap its effective enforcement, rejoice at all successful defiance of the law and advocate surrender by the law to the lawless. (3) Lack of vigilant, persistent, self-sacrificing support of the law and of law enforcing officials by all who believe in law and order.

Shall this democracy go wrong? Shall our Government prove incapable of enforcing the fundamental law? Such a thought is truly terrifying to all who believe in a free government of and by the people, for the people. The bootlegger and all law violators, the criminal classes alone, can not accomplish this. The lawless can only triumph over law with the aid of the three classes I have named. Yea, in this present warfare against the eighteenth amendment the booze smugglers and booze sellers, aided as they are by the booze buyers and the "liberty-loving" booze sympathizers, can not win their demanded compromise of law with lawlessness unless there is also the inaction of the law-abiding.

Of these three classes I wish to speak.

(1) THOSE WHO BUY THAT WHICH THE CONSTITUTION SAYS SHALL NOT BE SOLD

Without buyers the illicit traffic in liquor would speedily perish. Founded upon selfish greed for profits, it will stop whenever the profits stop. There are no altruistic champions of "personal liberty" and inherent right to self-destruction among the rum runners and the bootleggers. They are only to be found in the Association Against the Prohibition Amendment and affiliated organizations.

The booze buyer must accept full responsibility for the whole illicit traffic with all its terrible menace to individual welfare or national security. He finances the industry; by his desire it is carried on. For him honor and life are sacrificed and the most beneficent form of government yet devised is endangered. [Applause.]

A little time ago the gentleman from Maryland [Mr. HILL], duly credentialed spokesman of the Association Against the Prohibition Amendment, championed on this floor an amendment to the Treasury appropriation bill to forbid any part of the appropriation for enforcement of the Volstead Act being used to purchase liquor, saying—

It is for the conscience of this committee to decide whether they wish to pursue the practice of seducing violations of the law in order to prosecute violators of law thus created.

As the gentleman from Ohio [Mr. FOSTER] very pertinently said in his reply:

The entrapment of a person to commit a crime is an entirely different proposition from the purchase of evidence from a person who is entirely willing to commit the crime and who is, in fact, in an illegal business.

But if my friend, Mr. HILL, feels there is impropriety in an agent of the Government buying liquor from a known bootlegger in order to get the evidence to end his nefarious activity, what should he and his fellows in the Association Against the Prohibition Amendment say about the citizen who patronizes the same bootlegger, knowing that it is only through such patronage

the nefarious industry can be carried on? [Applause.] The man who boasts of his "private bootlegger" might as well boast of having a retinue of smugglers, forgers, burglars, assassins, and anarchists, as well as poisoners, for smuggling, forgery, burglary, murder, destruction of government, as well as concoction of poison are mere incidents of the illicit traffic in booze. It is time for any American who rates himself decent, law-abiding, and patriotic to sever any such support of iniquity. [Applause.] And it is time that decent, law-abiding and patriotic Americans generally should properly characterize the persistent bootlegger patron as a procurer of crime and a partner in lawlessness. [Applause.]

An editorial in the Christian Science Monitor recently said:

In placing violators of the Volstead Act in the same category with members of the I. W. W., who refuse to obey laws they dislike, Col. William Hayward, United States attorney for the southern district of New York, did not step outside of any justifiable limit of indictment. "I know people," he told the Young Folks' League of Congregation Ohab Zedek at the Hotel Ansonia, "who are protecting criminals, who are giving criminals immunity, who are sheltering and rewarding criminals, and who are hiring criminals to commit forgery, robbery, bribery, and perjury. And for what reason? Just to get something to drink."

At Hartford, Conn., March 28, Judge William M. Maltbie discussed vigorously these "society patrons" of bootlegger defendants in his court:

Every one of you has confessed here to a part in these transactions, in breach of the laws of your country and the Constitution of these United States; and every one of you is forewarned, because every one of you when you became an elector held up your hand and swore that you would uphold the Constitution of the United States.

And that is not all. These men here are charged, and have pleaded guilty, to breaking the laws of their country, not in any accidental way, not in any outburst of passion, but coldly and consciously, in order to get a portion of the results of an illegal traffic; and they have done it to get your money; and not only have they broken the laws of their country in this respect, but the trade which they represent, as every man of you who reads the papers knows, drags after it every manner of violence up to murder, smuggling, piracy, and, worst of all, bribery and corruption which reaches out to every man that tries to enforce these particular laws of his country; and the trail of those crimes leads right to the door of you who have come here and told that you have played your part in it.

It is your money which causes that, and you who are supposed to represent property, respectability, and social position—what are you after all but participants in crime, instigators of crime? That's what you are; and you set yourselves up and you say, "I will choose what laws I will obey." Well, if you can choose what laws you will obey, any other man can choose what laws he will obey; and if you do that, what becomes of your country? American citizens, some of you with creditable military records back of you, digging at the very vitals of your country. There is many a man—there's many a man who sits in that pen over there, who is deserving more at the hands of the court and the public than you are.

Take a recess, Mr. Sheriff, and air out the room.

Roused by recent scandal in that city, the Detroit Free Press of March 10 contained this editorial under the heading, "Corruptors of youth":

It is painful to learn that boys and girls of tender age are being lured into blind pigs in this city and are being systematically debauched for the benefit of "the trade." The thought that there are men and women in Detroit who are deliberately carrying on this detestable activity is horrifying. Such people are not fit to live; they certainly ought not to remain at large if there is any possible way of apprehending and punishing them.

But condemnation and punishment alone are not enough. In some way the evil must be cured, and in order to cure the evil, we must find out the cause of it. That cause is not at all difficult to detect. We may safely assume that for the most part the debauchers of children engage in their hideous business because large numbers of the very people who are hotly indignant over their misdeeds have encouraged and maintained them by becoming their customers.

Men and women who patronize blind pigs and bootleggers are helping to fix on the community a condition of corruption and lawlessness that naturally and inevitably carries corruption to the young. If presumably respectable people did not give widespread support to a criminal business carried on by thugs, murderers, and degenerates, there would be much less uncleanness, debauchery, and crime of all sorts in Detroit. If this city desires to protect its children, it must strike at the sources of infection. And while the authorities have their duties to perform, success or failure in a clean-up will depend upon the private citizen. If you do not want the children of Detroit corrupted, stop patronizing the corruptors.

The patriotic citizen should soon realize his personal responsibility for law observance and not expect to leave it all to the Government.

Recently in his column Arthur Brisbane ran this, which ought to warn where patriotism does not inspire:

Somebody offered a reward of \$200 "for the best epithet, abusive, strong, to arouse the drinker of bootleg whisky to his folly."

Frederick Landis contributes the following paragraph, which is better than any epithet:

"The smallest monkey in captivity resides in Los Angeles. It weighs only 4 ounces and eats its weight in figs and grapes every day. The biggest monkey in captivity is the man who, observing the congestion at the cemetery gate, persists in drinking 'it' without making his bootlegger drink it first."

The substantial termination of smuggling by sea with increase of the Coast Guard recently authorized by Congress, more thorough cooperation of local, State, and Federal forces on the borders, and restricted diversion of nonbeverage alcohol, will all rapidly tend to eliminate all bootleg liquor other than the "block-and-fall" variety. An editorial in the Christian Science Monitor recently commented on the announcement that Rum Row is to undergo a "moral regeneration," saying:

Alarm has come upon the captains and crews of these craft because of the disrespect with which the public has learned to regard the merchandise which they are offering for sale. They admit that something must be done, and at once, "to save the business from disrepute." What they propose is to name some person king or dictator of the traffic, whose duty it shall be to protect "honest" bootleggers from their dishonest and avaricious competitors.

That there is need of this regulation in the bootlegging business is asserted by those admittedly engaged in it. It is stated upon their authority that the present tendency in the trade is to supply to confiding customers, not liquors which have been imported from European countries or Canada, but noxious poisons disguised and flavored in imitation of products once commonly dealt in. A person described as the commodore of the rum fleet and leader of the so-called "moral forces" on Rum Row is quoted as asserting that 94 per cent of the liquor obtainable to-day contains deadly poison. He says it is possible, as he has seen it done, to purchase a quart of whisky on a doctor's prescription and from this, by the addition of 11 quarts of water and alcohol, to make 12 quarts of artificial whisky. This produces what he picturesquely describes as "block-and-fall" whisky. And this commodity, he says, "is not so much of a joke to people lately. You see some one walk in, buy a drink, walk a block, and fall." And then he proposes the remedy. "What we need," he says, "is some guy like this Bill Hays, that runs the movies, to take hold of our business and kick out these unprincipled scamps that makes their own."

(2) ORGANIZATIONS OF BOOZE SYMPATHIZERS WHO ADVOCATE SURRENDER TO THE LAWLESS

Of these the most conspicuous has been the Association Against the Prohibition Amendment. Recently that has seemed to be sinking into oblivion with its slogan of "beer and wine now," "no saloons ever." Those contributors who financed its 1922 congressional campaign and were rejoiced at the claims of victory that were given out by the association until this Congress met, are evidently now wondering what they got for their money. The 58 who simultaneously introduced recently the 2.75 per cent beer bills constitute the largest wet aggregation on record in this Congress. Whisky is anathema, wine is abandoned, and 2.75 per cent or nearly near beer, is the last hope, and it is admitted there are not enough staunch supporters for this to be able to get any one of the beer bills up for passage. The "beer-and-wine-now" slogan has become "nearly near beer two years from now."

In February William H. Stayton, the president of the association, gave his personal presence and leadership to the wet drive in California "to nullify the Wright Act in that State and to line up the congressional delegation for another attack on the Volstead Act," as the press dispatches carried it. The A. A. P. A. creed was there outlined thus by him:

"Sacrifice everything partisan or nonpartisan and scratch your votes for wet candidates," advised Mr. Stayton. "The association must weed out the dry Congressmen. Thus fortified and assisted by our powerful lobby at work in Washington, we can hope to succeed. Our legislative committee has already drafted needed wet legislation, and our nation-wide campaign will assist its enactment. In our fight for personal liberty we must not appear before the country as mere law-breakers; we must represent that we advocate obedience to the prohibition law, but we need affect no respect for it.

Not "mere lawbreakers," just crime sympathizers de luxe. "Represent we advocate obedience to the prohibition law" while seeking repeal of State and Federal laws to make prohibition effective. "Affect no respect" for a portion of the

National Constitution. That condones its violation and encourages the active violator, who is scarcely more criminal in his purpose, but more courageous.

A grand jury in Sacramento County adopted this resolution to fit the case of Stayton et al.:

We deplore the unquestionable tendency not only of that class of persons known as the underworld to violate the Constitution and laws of our country and States but also on the part of many otherwise reputable citizens to flout and to bring into public contempt such of our laws as they choose to ignore, thereby doing much to create in the minds of the unthinking, the unpatriotic, and the young a growing contempt for all laws of restraint upon what they consider their personal liberties.

We believe that this tendency, if not arrested by the sober second thought of responsible and patriotic men and women, is bound to result in a condition of practical anarchy that will prove dangerous to the subversive of our system of government—local, State, and National.

We believe it is high time that patriotic and public-spirited citizens should, for the public good and especially that of the rising generation, forego so far as is necessary their personal desires for the use of intoxicating beverages and join hands with every other citizen who is trying to uphold our laws and Constitution.

Yesterday the gentleman from Maryland, Mr. HILL, presented to the House a letter from Dr. Nicholas Murray Butler, containing an impressive appeal for law supremacy which Doctor Butler recently made to newly naturalized citizens:

Resolve to know and to obey the law. If there be unwise or unjust laws, it is in the power of the American people to change them in orderly fashion. You are not yourselves the judge of what is the law; no one of us is that. The law is established by our legislatures—local, State, and National—and it is declared and interpreted to us by the courts. Any attempt, or a share in any attempt, knowingly to violate the law or forcibly to attack or overturn the institutions on which our country is based is a crime of the first magnitude. Shut your ears to those who would invite you to any such undertaking.

Doctor Butler is described by the gentleman from Maryland as "one of the greatest constitutional authorities and students of the Constitution in the country," and with a view to the perpetuity of that reputation it is most regrettable that the letter did not close with that appeal. The trouble about a lot of the Americanism that is most conspicuous in America is that one thing is preached to the newly naturalized and another is practiced by the one who preaches. Unfortunately, Doctor Butler in his letter quoted also this from another address:

From the standpoint of the citizen our law is a unit. When I urge obedience to law I mean obedience to the whole body of American law, constitutional and statutory. I mean the first, the fourth, the fifth, the sixth, the tenth, the fourteenth, and the fifteenth amendments as well as the eighteenth. If by any chance provisions of existing law are in conflict with each other, then the intelligent and upright citizen will choose to obey that provision of the law, fundamental or statutory, which is the more important and more vitally associated with the development and protection of what we know as Anglo-Saxon liberty. To select one provision of law for emphatic enforcement at huge cost in derogation of all other provisions of law is itself in spirit a lawless act, and thereby offers new incentive to that lawlessness which the genuinely moral and intelligent elements of our citizenship are striving by all possible means to check.

Doctor Butler would have us understand that there is some conflict between the eighteenth amendment and other portions of our Constitution, and under that conflict he will cloak his conspicuous hindrance of prohibition effectiveness, his contribution to lawlessness. I can not claim to be a great constitutional authority, but I know of no such conflict, and I am sure such great constitutional authorities as Doctor Butler and the gentleman from Maryland will recognize that if there were any such conflict, the eighteenth amendment being the later expression of the sovereign will would repeal earlier enactments, in so far as such conflict might exist. Doctor Butler said, when preaching to the foreign-born citizens, "the law *** is declared and interpreted to us by the courts." The Supreme Court of the United States has not declared the eighteenth amendment unconstitutional, but has fully sustained it against every assault made upon its integrity. May we not hope that the time will come that our "greatest constitutional authorities" will join the humble naturalized citizen in resolving "to know and obey the law," to seek its change only "in orderly fashion"? It was Doctor Butler, preaching, who said: "You are not yourselves the judge of what is the law; no one of us is that." It would be dramatic, if not effective, if some patriotic foreign-born American should read that preaching to Doctor Butler and other parlor dilettante constitutionalists.

[Applause.] However great a constitutional authority Doctor Butler may be, the average citizen may safely follow the Constitution as it reads and trust the Supreme Court.

It was this same Doctor Butler who, in January, 1923, declared the eighteenth amendment impossible of enforcement. And it was Carlyle who wrote, in his "French Revolution":

It is not a lucky word, this same "impossible." No good comes of those that have it so often in their mouth.

In the Illinois primaries this week the association, avowing "no saloons ever," was allied with the Veterans of Liberty, formerly the National Retail Liquor Dealers' Association, who can hardly be said to have any deep-seated aversion to return of the saloons. Notwithstanding this happy combination, no gains for the wets are recorded. The beer and wine candidate for the Democratic nomination for governor, Lee O'Neil Browne, was distanced. In Nebraska the complete beer and wine slate met overwhelming defeat.

Perhaps indicative of the results of "facing the facts" of popular disfavor is the action of the association, which has heretofore strenuously demanded "Repeal of the Volstead Act," in combining with the Federation of Labor, the Constitutional Liberty League of Massachusetts, and the Moderation League (Inc.), in forming the "Joint Legislative Committee for Modification of the Volstead Act." The abandonment of "repeal" for "modification" of the Volstead Act is significant. Now, if, after the smashing defeats of this Congress, they will abandon "modification" and declare for "enforcement" of the Volstead Act, they will have arrived at the proper basis for zealous accomplishment by good citizens.

The use of the word "joint" in the title of this committee is not understood to be intended as a substitute for "saloon."

It is significant this committee steers its course by this sentiment from Byron: "The best of prophets of the future is the past." To believe that that which has been must always continue and that that which never has been never can be would indicate that Byron is as undesirable a guide in the field of political economy as in moral welfare or domestic relations.

When that distinguished British citizen, former Ambassador Geddes, returned home, he took his first public opportunity to say:

There had seldom been a more humiliating position for any British ambassador than to go week after week requesting the release of some disreputable British—or alleged British—schooner or motor boat engaged in landing stuff which everybody should have been ashamed to land.

Why can not all eminent and able Americans see with equal clearness the disreputable character of the illicit traffic which these "anti" organizations condone and so encourage? The day following the Geddes speech in London the Evening Star, of Washington, made clear the responsibility of these booze sympathizers:

If Washington is a lawless city—and every city has its meed of lawlessness, for the millennium has not arrived—it is in large measure due to the constant disregard of the law by persons of eminent position and persons of accepted social standing. It is due to their desire to see the law nullified, not by regular processes but by breaking down the methods of enforcement.

(3) LACK OF VIGILANT SUPPORT OF THE LAW BY ALL WHO BELIEVE IN LAW AND ORDER

In her article, "Will you help keep the law," in the April number of Good Housekeeping, Mrs. Willebrandt forcibly emphasizes the eighteenth amendment "can never be enforced by offering up to it paeans of praise. It will amount to anything only to the extent Americans really recognize it as our national policy. To anyone who loves his country that makes it sufficiently sacred."

Against an organized enemy the friends of good government must organize. To defeat at the polls those who would nullify the Constitution and compromise with lawlessness those who believe in law and order and wish to see the Constitution upheld must be at the polls and put their votes where they will do the most good. "Sacrifice everything partisan and non-partisan and scratch your votes for wet candidates" is the plea of the head of the Association Against the Prohibition Amendment. That is the spirit that must be met and overwhelmed at the polls.

With so great a crisis in orderly government, so great a need for united and intelligent action on the part of those who believe in law and order, to-day's national rally of the women of America is timely, reassuring, and fraught with tremendous possibilities for good for the future of our Nation. [Applause.]

Responsibility rests upon us all—men and women equally—but this great nation-wide movement of women in support of the eighteenth amendment carries richer promise of its effectiveness and fuller justification of the nineteenth amendment. There is a peculiar fitness about it all. While Doctor Butler declares for support and obedience to all law, but lends his influence of position, ability, and reputation to those who assault a part, the women declare, with truer vision of effective good citizenship:

For enforcement of all law, with special stress at present on the prohibition law, the front to-day where the battle against lawlessness has to be fought.

So—under unified command—fought the Allies in 1918 their way to victory.

WOMAN AND THE RUM SELLER INHERENT ENEMIES

For generations has continued this war between the woman and the rum seller. Long he was entrenched in the law; licensed by, but above the law; contemptuous of all but selfish gain; seeking his profits without heed for the destruction he wrought in the home. And the woman suffered. And as the children—undernourished, beaten, uneducated, robbed of childhood—suffered, she suffered untold more than Dante and Milton ever could picture.

She had no political power, was bound by age-long conventions, was rated the "weaker sex." She had no resources in her struggle against the great home despoiler, other than a clear vision of inherent right, unflinching faith that God rules and right somehow must triumph, and the patience that waits on faith.

Now he is an outlaw, unmentioned in our statutes except in terms of prohibition, while she is crowned with full political equality, bearing the responsibility of citizenship in a democracy and armed with every weapon for its proper performance. It is indeed a merry jest of fate that in this sudden, dramatic transformation it is a woman who, as Assistant Attorney General of the United States, is in immediate charge of prosecution of the outlawed liquor sellers, and directs the Nation's judicial machinery for his extinction.

WOMAN HAD USED PRAYER AND PROTEST, PHYSICAL FORCE, MORAL SUASION, AND EDUCATION

In her long contest against the liquor traffic woman has used protest, prayer, moral suasion, physical force, and now in the last great campaign the liquor traffic is on the run and woman, with the ballot, is preparing to send it, illicit and dishonorable, unwept and unsung, to oblivion, to rest with human sacrifice and human slavery as the wicked trinity of Things that Were.

For every besotted victim of alcohol, engulfed by it in crime, poverty, or disease, woman prayed, and against such undoing of hope and happiness protested.

There came, too, moments of desperation when right seemed above law. In its files I found this in the issue of the Lapeer County (Mich.) Republican of September 10, 1867:

Last Friday morning a couple of ladies walked into a saloon in the lower part of the village, and taking a small hatchet, broke all the decanters and glasses in the establishment.

And 40 years later Carrie Nation took personal charge of law enforcement in prohibition Kansas through "direct action" methods.

The great revolution that has overturned and outlawed the traffic in America dates from the moral suasion crusades of 50 years ago. Of that great movement Anna A. Gordon, national president of the Woman's Christian Temperance Union, has said:

Fortunate are we of the National Woman's Christian Temperance Union to inherit the holy crusade spirit kindled on thousands of crusade altars by these women called of God. Their daring courage, their persistent faith, their superb attack on the strongholds of the liquor traffic forever will be the wonder feature in the story of our great and victorious reform. The crusade was an anguished protest to home-loving, cultured, ballotless women. It began in the winter of 1873, and, according to one chronicler, "In 50 days it drove the liquor traffic, horse, foot, and dragoons, out of 250 towns and villages, increased by 100 per cent the attendance at church, and decreased that at the criminal court in almost like proportion." More remarkable than any motion picture shown to-day in the thousands of theaters of the United States is this drama of the crusade enacted in 27 Commonwealths that memorable winter, 50 years ago. Few photographs of actual events marking this human story of pathos and patriotism, heartache and heroism, have been handed down to us, but the vivid recitals of many who were the chief leaders in this transcendent movement have indelibly engraved on our inmost hearts the sacred scenes. Gentlewomen they were, these singing, praying crusaders, but they meant business when they camped in hundreds of hotel barrooms and

saloons, pleading with rum sellers to sign their petitions and forever after cease to break women's hearts, blast children's happiness, despoil women's homes, and destroy manhood's hopes.

At the height of their dauntless adventure a sweet-voiced Quaker woman led her band to the chief saloon in an Ohio village. "What business have you to come here?" roared the affrighted dealer. Going to the bar she laid down her Bible and said:

"Thee knows I have 5 sons and 20 grandsons, and thee knows that many of them learned to drink right in this place, and one went forth from here maddened with wine and blew his brains out with a pistol ball; and can't thee let his mother lay her Bible on the counter whence her boy took up the glass and read thee what God says: 'Woe unto him that putteth the bottle to his neighbor's lips!'"

Like a prairie fire the crusade swept across our continent. Frances E. Willard, as a young teacher, had an enthralling glimpse of it in Pittsburgh, when she knelt in front of a saloon with a praying band. She described it as a "whirlwind of the Lord." Her story of the praying groups and their extraordinary influence is a crusade classic. Another prohibition hero, Henry W. Blair, termed this Christian uprising "a great moral commotion, in which woman escaped and learned her power, never again to be caged." Mrs. Annie Wittenmyer, first president of the National Woman's Christian Temperance Union, characterized it as a "flash of heavenly light, a mighty spiritual swirl, a staggering blow that sent the rum power reeling toward its fall." Hundreds of dram shops were closed, countless barrels of alcoholic drink gurgled into the gutters as church bells pealed forth the people's joy. The Presbyterian Church in Hillsboro, Ohio, on the site of the historic church from which Mrs. Eliza J. Thompson, daughter of Governor Trimble, of Ohio, led the crusaders, December 23, 1873, in their successful effort to close the saloons and barrooms of the town, has a memorial room in which are preserved many invaluable souvenirs of the crusade, including the Bible from which Mrs. Thompson read the crusade psalm (140th), our Magna Charta, in which it is prophesied that "the way of the wicked shall be turned upside down."

From this dramatic outburst of woman's feeling was born the Woman's Christian Temperance Union. Every Member of this House knows of the consecrated faith, the unselfish devotion, that has characterized that great organization. [Applause.] Their prayers, their patient persistence, their program of education have been constantly directed toward the outlawing of alcohol as a beverage, whatever the per cent, and now toward elimination of the outlaw. In their broad philosophy, "Abstinence from alcoholic drinks is not a form of self-denial. It is a door to the highest form of personal liberty—self-control."

Too much credit can not be given their campaign of education, particularly through scientific instruction in the public schools as to the effects of alcohol on the human system. Their early pledge was "to educate the young, to form a better public sentiment." That they did, and the prohibition views of many Members on this floor, of the voters generally to-day, may be traced to that early training, first required by law in Vermont in 1882 and later by every State in the Union and by the Congress as well.

The publication of the United States Department of Education, *School Life*, said editorially, February 16, 1919:

It is quite possible that those who appear to have been mystified by the ratification of the eighteenth amendment may get some light from the story of compulsory teaching against alcoholics in the public schools.

For years they sung their crusade hymn:

Give to the winds thy fears;
Hope, and be undismayed;
God hears thy sighs and counts thy tears;
God shall lift up thy head.

Thro' waves and clouds and storms,
He gently clears the way;
Wait thou His time; the darkest night
Shall end in brightest day.

Far, far above thy tho't
His counsel shall appear,
When fully He the work hath wrought
That caused thy needless fear.

Now, in God's time the prohibition of alcoholic liquors is written in the Constitution, and in the campaign for its effective enforcement these women are the seasoned regulars, ready for battle. Their drive now is for a million members to fill up their ranks, "To work with us for the observance, enforcement, and retention of the Volstead code and the eighteenth amendment."

NOW WOMAN HAS THAT MOST EFFECTIVE WEAPON—THE BALLOT

Now is the great crisis in the prohibition movement in this country. The traffic is outlawed, but persists in illicit guise. Organized effort for nullification persists; officers whose duty

it is to enforce say the law can not be enforced; compromise with lawlessness is urged. There is evidence on every hand that these movements grow weaker, but they persist. The call is for not only the regulars but the millions of emergency troops as well. Napoleon is said to have declared, "Providence is always on the side of the last reserve."

In New Jersey the wets promised to make New Jersey "wet as the Atlantic," but in the party conventions last fall the dries controlled the convention of one party, while the other voted 59 to 19 against repeal of the State enforcement act. And modification of the Volstead Act was repudiated in the house in February by a vote of 32 to 25.

In New York the Republican Party is fully committed to re-enactment of the State enforcement act, and only Tammany and the foreign influence of New York City stands in the way.

In Philadelphia, Chicago, and Detroit vigorous and effective effort is being made for law enforcement and approval of public sentiment is in evidence.

This is certainly an auspicious moment for unification of the efforts of the newly enfranchised women of the country, and the personnel, spirit, and program of the Woman's National Committee for Law Enforcement give brilliant promise of tremendous impetus for the supremacy of law. The primary and regular elections of 1924, if the adherents of law and order work and vote, will put a quietus on talk of beer and wine surrender and official twaddle that the law can not be enforced, and will make it more respectable to be a law-enforcing officer than to be a bootlegger. [Applause.] Public opinion, properly expressed through the ballot box, controls in a democracy.

TEN MILLION WOMEN CAN RESTORE THE REIGN OF LAW—IF THEY VOTE

Under the leadership of Mrs. Henry W. Peabody, brilliant and forceful, with a long life of good works and notable accomplishments, 20 national organizations have allied themselves in the great movement, with a total membership of 10,000,000 women, including General Federation of Women's Clubs, Young Women's Christian Association, Congress of Mothers and Parent-Teacher Association, American Legion Auxiliary, Lend-a-Hand Society, Federation of Woman's Boards of Foreign Missions of North America, Council of Women for Home Missions, International Order of King's Daughters, National Council of Women, Women's Christian Temperance Union, and others; and the impressive thing about it is that this movement does not seem to be just of the "resolving" variety. They urge a definite "after the meeting program" of publicity, influence, and voting that carries promise of real results.

Of this movement you may read in the Union Signal:

That the politicians are just handing the women an "all day sucker" is the assertion of a feminine writer in an attempt to prove that the political power of women really does not amount to anything. The statement is picturesque but only partially true. There is the best of evidence that in some quarters the women are being given what they ask for, and that what the women voters desire is a matter of real concern. Political leaders are peering into the future with not a little anxiety to learn whether "the hand that rocks the cradle" is liable to "rock the political boat" in this year's whirlpool.

If there is a degree of truth in the allegation that the men politicians are not taking very seriously the feminine element in the electorate, it is because the women themselves are not taking seriously their franchise obligations and privileges. Passing resolutions is an easy way of disposing of one's civic responsibilities, and women's as well as men's organizations sometimes satisfy their consciences by doing this and nothing more. In three terse sentences Mrs. Elizabeth Tilton, of the Women's National Committee for Law Enforcement, analyzes the situation: "Women do not count in politics as they should. The reason is that they do not take the steps that come after their meetings. Meetings are of little use unless you take the practical steps to get the sentiment made thereat active and vocal." Some of these steps are: Registration, voting at the primaries, presidential and regular, and, of course, at the elections, and getting your friends to vote. That is the kind of activity on the part of the women that impresses the politicians.

The American Creed, by William Tyler Page, closes:

I therefore believe it is my duty to my country to love it, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies.

A little while ago the Salvation Army made this appeal:

Above politics, above considerations of creed or race, above vested interests, above selfish pleasure let the voice of the people be heard in an overwhelming "No!" whenever the question is asked, "Shall America go back?"

That appeal the women of America will answer. The program of this national committee, mobilizing the millions of reserves to combat lawlessness, is thus set forth by them:

The war for law enforcement, the committee realizes, must be won at the polls, for law enforcement officials are either elected or appointed by elected officials. The committee has, therefore, prepared a tool for producing in 1924 an avalanche law and order vote that shall secure dry officials from President down to the last alderman.

Politicians may well take note, they are taking note, that the women of the Nation are rousing to the need of the times. Full power to them. Matthew Arnold once said, "If ever the world sees a time when women shall come together, purely and simply for the benefit and good of mankind, it will be a power such as the world has never known." Never before in our history has that great power been so fully organized, so entirely consecrated in any one undertaking, for any one great cause, as in this crusade of the women for law enforcement. The law will be enforced, lawlessness repudiated, the illicit liquor traffic eliminated, the general welfare promoted, democracy vindicated, America saved.

[Applause.]

APPENDIX

Ten million women, through their representatives who met in Washington at a great law-enforcement convention on April 10, met the charge of the Light Beer Brigade. Lord Bryce said he feared women in politics because they would be so straight-from-the-shoulder and logical. That is why, when the women met to consider the great issue of law enforcement, they arrived at once at the conclusion that the first condition for law enforcement is an enforceable law. They, therefore, not only went on record in favor of law enforcement, but against modification of the national prohibition act.

With true woman's logic, they were not satisfied simply to protest against the readmitting of wine and beer, but sent to the conventions of both political parties word that they wished no change in the present definition of intoxicating liquor, one-half of 1 per cent alcoholic content, that being the enforceable definition upheld by the Supreme Court. Thus did they make the countercharge against the Light Beer Brigade and define themselves as "One-half of one percenters." This slogan captured the convention and is being carried back to the constituency of 10,000,000 members it represented.

The platform adopted by the Women's National Committee for Law Enforcement contained the following significant recommendations:

This convention shall formally petition the national conventions of all political parties to include in their party platforms a strong plank for law enforcement and specifically for law enforcement in connection with the eighteenth amendment and its accompanying enforcement legislation; and whereas the Supreme Court has declared that the limitation of beverage alcoholic content, fixed by Congress at one-half of 1 per cent, is justified in the interests of enforcement, we urge that the party platforms declare against any change.

The convention recommends the adoption by Congress of the following measures:

1. The transfer of the enforcement personnel into the classified civil service, after examination of present employees to eliminate the unfit.
2. For changes in Federal and State legislation providing stricter penalties for lawbreakers.

The convention urged the following measures for the strengthening of the Federal prohibition service:

1. We heartily commend the recent action of the President, Congress, and the Treasury Department in appropriations made and steps so far taken to build up the Coast Guard for the purpose of preventing smuggling of liquor; that we respectfully urge that the force of customs officers should be proportionately increased along the Canadian and Mexican borders so as to tighten the cordon against smuggling from the North and South as well as along our coast line.
2. We respectfully urge the coordination of evidence-gathering agencies of the Federal Government and the focusing of them upon uncovering large and influential distributors of illicit liquor.
3. That it is the sense of this convention that by far the greatest proportion of the liquor in illicit circulation is released by the misuse of permits issued by the Federal Government; wherefor we respectfully recommend to the President and to the Secretary of the Treasury that the most drastic steps possible under existing laws be taken to (a) lessen the number of permittees allowed to manufacture or dispense liquor; (b) reduce the volume of spirituous liquors permitted to be withdrawn under permit; and (c) that steps be taken to estimate more accurately the amount of alcohol actually needed for industrial purposes, with a view to greater regulation of the manufacturing plans of so-called industrial raw alcohol.

The program of work includes the formation of State committees of 100 and subcommittees in every county and important city to create and mobilize public sentiment; to act as bureaus of information, especially on the stand of candidates, duties of

enforcement officials, and possible action by citizens; to hold meetings; to report law violations; to attend court trials; to secure enforcement planks in State political platforms; to secure publicity; to circularize candidates; to urge women to register and vote; and to enroll pledges of allegiance to the law.

Mrs. Henry W. Peabody of Boston, Mass., chairman of the National Women's Committee for Law Enforcement, at the close of the 2-day convention, said:

We shall move immediately to add to the headquarters already established in Boston and New York, district offices in the southeast, the middle West, and the Pacific coast. These headquarters will be used as supply stations to flood the country with law-enforcement literature and as centers for speakers' bureaus. We shall also organize the other 18 States in addition to the 30 which already have State committees of 100 supplemented by metropolitan area committees of 100, and we hope to effect as close an organization as New Hampshire, which now has a group in each county. We will have marches of allegiance, take pledges of law observance, campaign for law-enforcement speeches throughout the country on Memorial Day, and unite our forces to secure dry planks in the political-party platforms and dry candidates in the election.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Welch, one of its clerks, announced that the Senate had concurred in the amendment of the House of Representatives to the bill (S. 2597) to authorize the construction of a bridge across the Fox River in St. Charles Township, Kane County, Ill.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 1631) to authorize the deferring of payments of reclamation charges, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McNARY, Mr. JONES of Washington, Mr. PHIPPS, Mr. KENDRICK, and Mr. PITTMAN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 2686. An act to authorize the Federal Power Commission to amend permit No. 1, project No. 1, issued to the Dixie Power Co.; and

S. 661. An act for the relief of Fred Hurst.

ENROLLED BILL SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 6815. An act to authorize a temporary increase of the Coast Guard for law enforcement.

SENATE BILL REFERRED

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 624. An act to amend the practice and procedure in Federal courts, and for other purposes; to the Committee on the Judiciary.

CONTESTED-ELECTION CASE—CHANDLER v. BLOOM

Mr. ELLIOTT. Mr. Speaker, I call up the contested-election case of Walter M. Chandler v. Sol Bloom, from the nineteenth congressional district, New York, and in that behalf I offer this resolution and move its adoption.

The SPEAKER. The gentleman from Indiana calls up a contested-election case and offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 254

Resolved, That Sol Bloom was not elected a Member of the House of Representatives from the nineteenth congressional district of the State of New York in this Congress and is not entitled to retain his seat herein.

Resolved, That Walter M. Chandler was duly elected a Member of the House of Representatives from the nineteenth congressional district of the State of New York in this Congress and is entitled to a seat herein.

Mr. WILLIAMS of Texas. Mr. Speaker, I wish to offer the following substitute.

The SPEAKER. The gentleman from Texas offers a substitute, which the Clerk will report.

The Clerk read as follows:

Substitute by Mr. WILLIAMS of Texas:

Resolved, That Walter M. Chandler was not elected a Representative to the Sixty-eighth Congress from the nineteenth congressional district of the State of New York; and

Resolved, That Sol Bloom was elected a Representative to the Sixty-eighth Congress from the nineteenth congressional district of the State of New York."

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent that debate on this election contest be limited to four hours, two hours to be controlled by the gentleman from Texas [Mr. WILLIAMS] and two hours by myself; that Mr. WILLIAMS be allowed to yield part of his time to the contestee, and that I be allowed to yield part of my time to the contestant, and at the end of that time the previous question be considered as ordered.

The SPEAKER. The gentleman from Indiana asks unanimous consent that debate on these resolutions be limited to four hours, one-half to be controlled by himself and one-half by the gentleman from Texas, and that the gentleman from New York, the contestant, be allowed to speak on the floor and have time yielded to him by the gentleman from Indiana. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Indiana also asks unanimous consent that the previous question be considered as ordered at the end of four hours of debate.

Mr. GARRETT of Tennessee. On the substitute and the resolution.

The SPEAKER. On the substitute and the resolution. Is there objection? [After a pause.] The Chair hears none.

Mr. ELLIOTT. Mr. Speaker, I yield 20 minutes to myself and ask unanimous consent to extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ELLIOTT. Mr. Speaker and gentlemen of the House of Representatives, this election contest arose in the nineteenth congressional district of the State of New York. At the general election held in this congressional district in November, 1922, Samuel Marx was the Democratic candidate for Congress and Walter M. Chandler, the contestant in this case, the Republican candidate. Samuel Marx was elected. A short time thereafter Mr. Marx died and the Governor of the State of New York called a special election in this district to be held on the 30th day of January, 1923, to fill the vacancy in Sixty-eighth Congress from said district caused by the death of said Samuel Marx.

At this special election the contestant, Walter M. Chandler, was the Republican candidate, Sol Bloom was the Democratic candidate, and Phillip Zausner the Socialist candidate. In this election Bloom received 17,900 votes and Chandler received 17,728 votes, giving Bloom an apparent majority of 191. The Socialist candidate received a small number of votes and he is not taking any part in this contest.

The certificate of election was issued by the secretary of state of New York to Sol Bloom upon the report of the board of canvassers and he is now the sitting Member and contestee in this case.

On the 3d of March, 1923, Mr. Chandler served notice of contest upon Mr. Bloom and later he served an additional notice of contest. In these two notices of contest the grounds set forth were that an examination and recount of the official ballots cast at said special election would show that the contestant herein and not the contestee had received the greater number of legal votes cast at said election. That in many of the various election districts of the nineteenth congressional district of New York illegal voting had taken place, and that those who voted illegally had voted for the contestee. That if said illegal votes were subtracted from votes counted for the contestee the contestant would be found to have received the greater number of legal votes cast at said election. That in many of the election districts of said congressional district irregularities, fraud, and crime were committed on a large scale in flagrant violation of the election laws of New York State, and that said irregularities, fraud, and crimes were committed by the friends of the contestee and in his interest. That in such district where was conducted the election a canvass of the return votes was marked by such pure disregard of law that there was in fact no legal election. If the polls were purged or rejected, the contestant would be found to have received the greatest number of legal votes cast at that special election.

The contestee filed his answer in denial of the contestant's allegations. Your committee has given careful and painstaking attention to this case. The record in this case included hearings and briefs and evidence filed covering almost 2,000 pages of closely printed matter. The committee allowed nine days to the hearing in this case and listened to the arguments of able counsel on both sides.

The first proposition that I want to take up is that illegal votes were cast at the election. Under section 150 of the elec-

tion laws of New York no one was allowed to vote who was not a citizen and who had not been registered under the registration laws of the State. If he removes from an election district in New York, unless he is registered in another election district before the day of election at which he offers his vote, he loses his right to vote, or unless he appears before the board of election of New York City, if he is a resident, and applies for a transfer and special registration to permit him to vote.

Fifteen voters who voted at the special election had removed from the district in which they registered and in which they voted at the preceding general election, and these voters, the record shows, had not secured a transfer or special registration from the board of elections of New York that would permit them to vote legally at the special election held January 30, 1923.

The committee, under the direction of this House, had all of the disputed ballots brought before it, and after looking them over the committee came to the conclusion that 83 of said rejected ballots should be counted; that 55 of them should be counted for Bloom and that 28 should be counted for Chandler. When this was done it resulted in the contestee receiving 17,802 apparently good ballots and the contestant 17,676 ballots, leaving an apparent majority for Bloom of 126. When we added the 55 to Bloom's vote and 28 to Chandler's vote it gives Bloom 153 majority. Then we had 15 of these voters who had voted illegally. They had voted in this precinct after they had removed without having had a special registration. The evidence showed that 11 of these voters voted for Bloom and that 3 of them voted for Chandler and 1 of them the testimony shows that he said he voted for both of the candidates. [Laughter.] We threw that vote out. We deducted from Bloom the 11 votes that were cast illegally for him and from Chandler the 3 votes that were cast illegally for him, and the result was a majority for Bloom of 145.

If that had been all that was involved in this case, it would have been easy for us to determine the matter, because Bloom would have been elected and entitled to retain his seat. The next proposition, however, that was called to the attention of the committee was the fact that various frauds and irregularities were alleged to exist in the twenty-third election district of the eleventh assembly district and in the twenty-fifth, the twenty-ninth, the thirtieth, and the thirty-first election districts of the seventeenth assembly district. Your committee found that in the twenty-fifth and twenty-ninth districts some irregularities had occurred, but they did not deem them to be of sufficient importance to warrant the rejection of the election returns therein, and so the committee refused, so far as those two precincts were concerned, to take any further notice of them.

I next take up the consideration of the twenty-third election district of the eleventh assembly district. I call attention first to the reasons which we have assigned for rejecting the vote in that precinct. The State of New York has adopted a very good election law for the guidance of election officials in the conduct of elections, but in the election that was held in these three precincts, the twenty-third, the thirtieth, and the thirty-first, the election officials evidently did not care whether the elections they held there were either legal or honest. The election law of New York provides for a bipartisan board of election inspectors. Under the rule, the Republican Party has the right to appoint two election inspectors and the Democratic Party two. Under the law they have in New York, once a year the board of elections in that city appoints election inspectors to serve during the coming year. These men are sworn in, and that is sufficient for them to act in all elections that occur during that year. There is another provision, however, that men may be sworn in at the polls to fill in as substitute inspectors; but if a man acts as a substitute inspector, then his authority ends with that day. The Republican election inspectors at this time were Walter G. Webster and Joseph Grohol. Walter G. Webster was a resident of the city of New York and had been regularly appointed as an election inspector and sworn to act.

Joseph Grohol, we find, was not a resident of the city of New York, but was a resident of Ansonia, Conn., and consequently not entitled to act as inspector of election. Levy and Elbern, the two Democratic inspectors, showed up on that day. They had been substitute election inspectors at the general election in November, 1922. They were sworn in at that time. They came over there that morning and took possession of the election board without any appointment and were never sworn, and that is the kind of an election board that had charge of that election that day. There was only one legal election officer there. The others were neither de facto nor de jure officers. That might not have been so serious if the election had been honest. There were delivered to that election board on that

morning 450 official unvoted ballots, numbered from 1 to 450. The record discloses that there is not any doubt about that. The election went on, and a police officer named Coyne said that he came into that election booth about 12 o'clock or a quarter to 1 o'clock that day and walked back into the back room of the polling place and there found under a barber's apron on a barber's chair that he had been sitting on that morning, 17 unvoted official ballots. He said that he looked at them and found that three of them were marked for Sol Bloom. He took them in and showed them to the election officers and said, "What are these doing back here?" The election officer seemed to be somewhat surprised, and replied that he did not know what was the reason, and about that time two men came in who claimed to be plain-clothes men and wanted to know what was going on there. The officer told them that he had found these ballots back there under a barber's apron on that chair, and they said, "Give those ballots to us and we will take care of them; we will take them up to the precinct station." They went out with them. In a few minutes another alleged plain-clothes man came in and said to the officer, "What is this trouble all about here?" The officer told him, and he said, "Now, don't say a damned word about this to anybody; we will take care of this." As far as this record shows nobody knows what became of those 17 ballots or those plain-clothes men or who they were. They never showed up at any precinct station so far as the evidence discloses, and nobody knows what became of the ballots.

Upon an investigation of the pile of ballots, however, they found that instead of 17 missing ballots there were 53 missing. These ballots could not have been taken out of that pile of unvoted ballots for any other purpose than substitution. The evidence shows that owing to the inefficiency and incompetency of the Republican officials there at this election these Democratic inspectors had the power to do anything they wanted to do.

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. ELLIOTT. I can not yield here. The evidence shows that the Republican captain left that polling place at 10 o'clock in the morning to go to his office down town and stayed there until 4 o'clock in the afternoon.

The SPEAKER. The gentleman has consumed 20 minutes.

Mr. ELLIOTT. I shall take 10 minutes more.

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. ELLIOTT. I have not the time. The evidence further shows that the woman Republican captain was in the hospital all that day. The evidence also shows that two Republican inspectors were away from that polling place for 30 minutes and that during that time there was not a Republican official around that box. There are some other things I desire to direct attention to. These ballots were taken out of there for the purpose of substitution. If those 36 ballots were substituted for Chandler ballots, which could have been easily done, then Mr. Chandler lost 36 votes in that district and Mr. Bloom gained 36, which would make a difference of 72. The record further shows that as soon as they found out about these ballots being out of the pile of unvoted ballots, Levy, the Democratic inspector, immediately left there, giving various and unsatisfactory reasons for so doing, and he never showed up any more during that day, and they put in another inspector, a woman named Born, who was never sworn.

I call attention now to the evidence of their voting repeaters in this place.

There is a family known by the name of Feldman. Frank Feldman was the father. He had moved out of the precinct and came back. He had three sons. He said the Democratic captain said to him "What do you want?" and he said "I want to vote, as I have a right to vote here." The Democratic captain told him his name had already been voted on and that he could not vote there, and he did not vote. His three boys were told that their names were voted on, and that would make at least four repeaters who voted there. Another thing, along in the afternoon or evening somebody came in there with whisky and got the Democratic captain and the Democratic inspector Elbern drunk. The witnesses say that they were sodden drunk and Inspector Elbern was talking big, and said that he wanted to whip somebody and could lick anybody in the place. They said that was the way they were carrying on during the count in the polling place, and it very much resembled a barroom riot. I pass on hurriedly to the thirtieth election district of the seventeenth assembly district. In this place there were 30 ballots stolen out of the pile of unvoted ballots. These men of this election board came in there, these Democrats, and took possession of the place, and ran it with a high hand during that day. There is evidence in the record to show that an Italian named Vucci, who owned

a barber shop in which the election was held, said that this inspector of elections that day took a ballot, looked at it, and if it satisfied him he put it in the box, and if not he put it in his pocket. These ballots were taken out of the bottom half of the pile the same as they were in this twenty-third precinct. I want to pass on to the thirty-first election district, seventeenth assembly district. And there we find this kind of a circumstance. One of the election inspectors was George Rothschild, who was under indictment at the time he acted as election inspector for election frauds he had committed in another district in New York during the election of 1920. He took charge of this election, and he carried on in such a way that no member of the board had any opportunity at all to look at these ballots. And at night when they were counted he sat on the ballots and would not let any of the Republican inspectors see them. Here we found 10 ballots; every one had been marked for Chandler and were neatly rubbed out and marked again for Mr. Bloom. There are 10 in that precinct, and you can look at them for yourselves, gentlemen. It shows that the man who put the original mark on there did not put a mark for Bloom up above. Another thing I want to call attention to in this precinct is this: That neither of the Republican election officials signed these election returns. This election in this precinct, gentlemen, is standing on the returns signed by the two Democratic inspectors.

Mr. RAGON. Are there two sheets on that or one?

Mr. ELLIOTT. It is all here; you can see it. Consequently, there were rank frauds committed at this place, rank frauds in both of the other precincts. For that reason the members of the committee thought that this election should be set aside. If you give Chandler the benefit of the votes that he was entitled to by reason of this substitution of the 36 in the twenty-third precinct and by reason of the substitution of 34 in the thirtieth election district and 10 votes which he is entitled to from the thirty-first election district, it will wipe out Mr. Bloom's plurality and give Mr. Chandler a plurality of 5. This nineteenth congressional district of New York is one of the smallest districts in point of area in the United States. It is one of the richest districts in the country. It is located in the greatest city of the greatest Nation in the world. It contains a great institution of learning, the Columbia University, one of the greatest in the country, an institution that has been sending out light, morality, intelligence, and virtues all around the civilized world for many years. You would think that in a place like that, in a district like that, such things as this would not occur, and yet under the shadow of this great institution of learning this contemptible thievery was allowed to take place in manner that would not have been allowed in the humblest district in the country. I maintain, gentlemen, that Walter M. Chandler was elected Congressman from the nineteenth congressional district of the State of New York if you give him credit for the votes which were stolen from him. If you do not do that, under the rules of the former decisions of this Congress you have got to go back to this proposition, and that is that no man, woman, or child can take the records of this case and tell how many votes were cast for anybody in those districts, and consequently you will have to reject the returns therein. If you do that, then on a re-formation of this case you will find that Chandler has been elected by 224 votes. [Applause.]

Mr. WILLIAMS of Texas. Mr. Speaker, I yield 45 minutes to the gentleman from Wisconsin [Mr. NELSON]. [Applause.]

Mr. NELSON of Wisconsin. Mr. Speaker, as chairman of an elections committee, Independent Progressive Republican, and as a Member of this House, mindful of my solemn obligation, I have come to the conclusion, after painstaking study of the record in this case in the light of the best precedents, that Walter M. Chandler, friend, fellow Republican, and former associate on the Judiciary Committee, was not elected a Member of this House [applause], and is not therefore entitled to a seat in this body, but that Sol Bloom was elected and is entitled to his seat. I am for justice to every Member, no matter what may be his personal relation to me, his politics, his race, or his religion.

Before I discuss in some detail the unfortunate precedents followed in this case and the extravagant nature of the allegations made in the contestant's brief from the record, I first desire to submit a few remarks on the case.

This contest is of unusual interest to the House and perhaps to the country. To Democrats it presents, in anticipation, a grievous cause for complaint. To many Republicans, I am sure, it presents a very serious and perplexing problem. If I read the mind of the distinguished leader of the majority rightly—and I think I know something of his character—he does not relish the predicament the report of the Elections Com-

mittee has put before him. I feel certain that he would far prefer to meet the Democratic leaders, GARNER of Texas, GARRETT of Tennessee, or any other Democratic foeman worthy of the honor, upon the arena of debate over some legislative proposition of moment than to have any part in a petty raid upon the rights of the opposition in this House. Majority Leader LONGWORTH has traits of the lion, but not of the wolf. He loves big game and detests petty pilfering.

But the predicament is before us. Now, the only question is, What shall we do with this divided partisan report? I disclaim any intent to criticize the Elections Committee No. 3. I simply can not agree with the majority. I have no doubt but had the committee made a report without such a sharply divided partisan line-up, it would have been received with perfect confidence by the House. But when gentlemen of ability and standing so sharply divide upon partisan lines, they can not both be true nor right. Truth and right never divided against themselves. Ordinarily it is quite safe for the busy membership of the House to approve of the report of an elections committee, but never when either partisanship or personal lobbying reveal their familiar faces in a report. [Applause.]

Therefore the question presents itself to every Republican, Can we afford as a party to do the thing proposed in this case? If we do, which will weigh the more heavily in the balance—the gain of one more Republican or the possible public disapproval of our action? One vote lost to that side and gained to this will not change the balance of power in this Chamber, and therefore would seem not to be worth the risk. What then is the moving cause sufficient to have aroused this "furious spirit of party," to quote the words of Washington, so evident in this case?

Perhaps we may find our answer in these letters which I hold in my hand. This letter, I understand, was sent out by the New York Democratic delegation and this by the Republican whip. Both are clever. Both under cover most effectually tend to stir up party passion. This letter is red. Red signifies danger, and I am inclined to believe that the color of the paper was fittingly selected. I fear we are playing with fire.

Reading from this letter in red I quote these words:

In their desperation they have sent out a letter to the effect that if Mr. Bloom should be unseated it would give the Republicans a majority of one vote in the State of New York, and would, of course, mean that the electoral vote of New York would be cast for the Republican candidate for President should the election be thrown into the House of Representatives.

While this political presidential exigency has been whispered about in the cloakrooms and throughout the corridors, I do not believe that any such ignoble motive is the primary cause of this partisan contest. To unseat a duly elected Member of Congress for the purpose of getting control of a State delegation so as to elect a President would be bold and hazardous to the nth degree. The end would not justify the means. Indeed, I venture to say that the Republican leaders of the House would not stoop to such an unworthy purpose in an election contest.

There are two other statements in this letter, one with which I can not agree and the other with which I agree cordially. To an old Member in the House who has been on election committees more or less for 18 years this is a surprisingly naive statement:

It has always been the practice in the House to determine election cases absolutely upon their merits, politics at no time entering into the question.

When I come to discuss the precedents I shall point out the inaccuracy in that statement.

But in this appeal of the Republican whip I am in complete accord and shall act accordingly:

My appeal to you is to be present and hear the evidence and argument in this case and decide it absolutely upon its merits without regard to political advantage.

[Applause.]

I commend these words to every Member of the House.

My belief is that while this political presidential exigency referred to in these letters has had much to do with stirring up the partisan spirit in us, the primary cause is an active human being, the contestant himself, and his persistent personal campaigning since Congress convened. Remember, too, that he is a man of unusual ability, mental acumen, literary skill, impetuous eloquence, and impressive personality.

Let us consider the present situation. What are the cold, concrete, and primary facts? Mr. Chandler is an old Member of the House. Because of his personal popularity he was elected

a number of times from this normally Democratic congressional district. But at the last general election he was defeated. The adverse majority against him reached 3,600. His opponent died. Mr. Chandler became a candidate two months later at a special election and was again defeated. Mr. Bloom was elected to Congress by 191 majority. He now occupies a seat in this House. His title was certified by the lawfully constituted election authorities of his State. Upon a recount by the elections committee his majority was reduced to 145, but his title to his seat was confirmed by the actual count of votes. Therefore the burden of proof rests wholly on those who would unseat him. The only way that his seat can be taken from him, to meet either this rumored political presidential exigency or the ardent personal desire of the contestant, is for us to vote solidly as a party to throw out three election precincts, as proposed by the committee report.

Mr. Speaker, here is where my friend Mr. Chandler and I came to the parting of the ways; and here, too, is a fork in the road for the Republican Party. The problem presented is, shall we go straight ahead on the old road or take the Chandler detour, throwing out these election precincts?

Two insurmountable bars prevented my taking that course. The first is the record, which I studied carefully and became convinced beyond a reasonable doubt that throwing out these precincts to seat our Republican colleague and friend can not be grounded upon principle or the facts of record but only upon the sheer power of votes.

But some one will say in this event that there are many precedents for doing this very thing. Oh, yes. There are precedents and precedents, a line of election cases for throwing out election precincts. As has been frequently said before, you can find a precedent for anything you wish to do. Begging the pardon of my friend the Republican whip, I must assert, notwithstanding his optimistic statements in the red letter quoted above, that partisanship and personal ambition are evil spirits not unfamiliar with this Chamber during the past hundred and more years. The trouble is that the cases cited by the contestant are of the bad precedents, the expression of intense partisanship, or personal lobbying of the membership of the House. I stand here fighting for the other line of precedents, the overwhelming majority of nonpartisan election cases, which carefully seek to find and to protect the expressed will of the voters.

When I stood at the fork of the road considering whether I would go ahead or take the Chandler detour, I saw before me, as a solemn warning, the sign "The old Gill against Dyer route." To me this was the other insurmountable bar and, I would think, to the Republican Party. We are asked in the report before us to indorse the case of Gill against Dyer and the precedents which sustain it, and thus convey Mr. Chandler to a seat in this House. I do not like these detour signs. They are usually emergency roads, full of ruts and trouble and breakdowns, and it takes a long time to get back to the main road. I believe in keeping in the main road also in election contests. Now, I desire to call your attention to this case of Gill against Dyer, which is set before us as a guiding post to show us the way.

Mr. DYER. Will the gentleman yield now?

Mr. NELSON of Wisconsin. Will the gentleman get me more time?

Mr. DYER. I want to ask the gentleman a question.

Mr. NELSON of Wisconsin. No; I do not want to take any more time from the other side.

The SPEAKER. The gentleman declines to yield.

Mr. NELSON of Wisconsin. In proof of what I say, that the case of Gill against Dyer is set forth as a landmark precedent, a guiding sign to show us the way to accomplish the contestant's purpose, I read these words from the majority report:

In conformity with a long line of congressional precedents * * * down to and including the case of Gill v. Dyer, in the Sixty-third Congress, the committee is of the opinion that the entire returns of the twenty-third election district * * * the thirtieth and the thirty-first districts should be rejected.

Being familiar with the facts in that case and in this, I know that the committee is correct in citing it as the leading precedent. In fact, in my judgment there was more of a showing of so-called irregularities for seating Gill in DYER's seat than there is in this case for seating Chandler in Bloom's seat.

Let me first present to you the serious phase of the problem which confronts me personally: Can I vote to sustain an action which cites the case of Gill against Dyer as one of its chief precedents? Being then a Member of the House, I am quite familiar with the details of this precedent. It is one of the

worst within my knowledge of election cases. I saw Mr. Gill, a former Member, as I have seen Mr. Chandler, lobbying incessantly the membership. Gill made a persistent appeal to partisanship. The House was overwhelmingly Democratic, having a large two-thirds majority. In conversation with my colleagues I denounced the unseating of DYER. I cast my vote against that outrage perpetrated by partisan Democrats. How can I, having led a contest in this House to eliminate gross parliamentary abuses, consistently now, with my conviction of the depravity of that case and the whole line of precedents that he follows, vote for doing in this case that which I so condemned by voice and vote in the case of Gill against Dyer?

Mr. Speaker, as a progressive member of the Republican Party I am going to fight zealously to preserve the integrity of our record. How can you, my conservative party colleagues, approve of a course of action in this case, which characterizes itself by making Gill against Dyer a precedent, or which appeals to the line of precedents of which Gill against Dyer is a characteristic type? If you will but read the debate in the case of Gill against Dyer and look at the roll call, some facts will stand out distinctly: Republican leader Mr. James R. Mann, Mr. McKENZIE, of Illinois, from the Elections Committee, and many other Republicans repudiated a line of decisions followed in that case, as in this, which throw out election precincts wholesale. Mann and McKENZIE pointed out that the correct way is to ascertain the will of the voters, and they urged that just and righteous action upon the House.

Fellow Republicans, hear what the Republican prince of parliamentarians had to say of this cited precedent:

Mr. MANN. Mr. Speaker, I came into the Congress in the Fifty-fifth Congress, having been elected in 1896. I went on the Committee on Elections No. 1 and served on that committee 12 years; 6 years as the chairman of it. * * *

I remember that in the Fifty-fourth Congress, although I was not a Member of it, the Committee on Elections was changed from one committee to three committees so that it might fire out Democrats a little faster to carry out the feeling of resentment and reprisal on the part of the Republican membership because of the infamy of the Democratic side of the House in the Joy case from St. Louis. When I came into the House I was told by some of the old Republican Members that we were justified, because of the Joy case, in turning any Democrat out of the House. While there may have been justification for it I did not feel that that was the proper spirit in which to approach election cases, and I did all that was within my power for years to have these contests settled upon the evidence; fairly considered, without regard to partisanship.

I believe the present case will have about the same result, if the contestant is turned out, on the Republican majority in the next House as the turning out of Mr. Joy in the Fifty-third Congress had. [Applause on the Republican side.] Every Republican Member of this House believes, after giving a great deal of consideration to the evidence, that there is no justification whatever for unseating Mr. DYER and seating Mr. GILL. [Applause on the Republican side.]

Now, what are we asking? The Committee on Elections has found in seven of these precincts that there was fraud and that the vote ought to be thrown out. * * * But when the Committee on Elections say that in their opinion the returns from these seven precincts should be discarded, justice and precedent both require that we find out how the voters actually did vote.

Mr. McKENZIE, making the minority report from the Elections Committee, pointed out the proper procedure established by the best practice in the House. Let me quote him in part as to the nature of that case:

We of the minority emphatically hold that the contestant has failed to make out such a case as would justify the House in unseating the contestee. We concede he has shown that certain election officials were guilty of conduct not warranted by law, but that such conduct was of a character that would change the result of the election as expressed by the returns is not borne out by the evidence. We of the minority have contended that it was incumbent upon the contestant to prove his contention that he was elected and that it is not the province of the committee or of the House to supply by assumption that which the contestant could have proven beyond any question if his contentions are sound. * * *

Mr. DYER. Will the gentleman yield?

Mr. NELSON of Wisconsin. Pardon me, but I have not the time. If the gentleman on the other side will give me the time, I will answer any question.

The evidence in the other six precincts is of a very similar character, and to disregard the precincts mentioned on the testimony furnished by contestant is, in our judgment, wholly unwarranted, the result of which would be to overthrow the will of the voters, disfranchise

honest men, and perpetuate an outrage which would be a disgrace to our Government. Under such a course of procedure the certificate of election would be no protection to a Member in this body from the attack of anyone who might desire to contest his seat on the ground of fraud, claiming that he could establish the same on the testimony of a few witnesses. Thanks to the wisdom of the men who have occupied seats in this body in the past, no such course has been permitted.

Lest some one say that these were merely partisan expressions of opinion, I will quote the words of one of the ablest Democratic parliamentarians of the House, Mr. Saunders, afterwards a member of the Supreme Court of Virginia. Out of sheer love of justice, he took part in the discussion of that case, warned his fellow Democrats against making that kind of a precedent. I have time to quote only this extract of his able argument:

The first proposition that I ask this House to consider is this: That the possibility of great injustice is always present when it is proposed to reject bodily the entire return of the election officials. It has been well stated in 2 Hinds', page 127, that the entire vote is not to be rejected except after the fullest attempt to purge it of illegal votes and to ascertain the real vote by all possible means. The innocent should not be made to suffer with the guilty, and nothing short of the impossibility of ascertaining for whom the majority of the votes were given ought to vacate an election. (American Laws of Elections, sec. 204, 2 Hinds', p. 134.)

Judge SAUNDERS. Again, another authority states this principle as follows:

"The election should be set aside only when it is impossible from any evidence in reach to ascertain the true result. (2 Hinds', p. 151.) The doctrine of throwing out entire returns for fraud of the election officials, while tolerable in theory, is most unhappy in application if nothing further is done to arrive at the true result."

These citations are certainly sufficient to prove to any reasonable Republican in this House that Gill against Dyer is a precedent bad in principle and harmful in practice.

Now, look at the roll call by which it was established. This shows that every Republican Member of the House voted against the action taken in Gill against Dyer. But not only is that true, many of the best Democrats in the House voted not to establish such a precedent. Many more Democrats made their protest effective by not voting at all. Listen to this in the list of names voting nay, voting against the seating of Gill and the unseating of DYER. I find the name of the contestant, Walter M. Chandler, of New York.

Can this, therefore, be a precedent for Republicans to follow and finally establish firmly a precedent made by a narrow partisan majority against which not only the whole Republican Party in the minority voted, but also a large part of the majority part made its protest by a voice, by at vote, or by refusing to vote?

Now, then, fellow Republicans, are you to-day going on record to approve as a party that which the party thus condemned in the past? This case of Gill against Dyer, against which he voted himself, is boldly set up by the contestant as a landmark, a guiding post, a chief precedent. He is accurate in making that case his chief support. These two cases are on all fours with each other. The facts in each case demonstrate it. What are we going to do about it? How are we going to maintain party integrity and the party record, the honor of the party name, I ask if we now approve of establishing a line of precedents which we then denounced and resisted so strenuously? We can not safely, with public opinion such as it is to-day, play fast and loose with the chief principle on which our constitutional form of government is founded.

Who are the real parties on trial in this the supreme court for House election cases? The contestee in this case, Mr. Sol Bloom, whatever may be his excellent personal and political qualities, must be set aside as plain Richard Roe. Walter M. Chandler, the contestant, whatever may be his abilities, must also be set aside as plain John Doe. The gentlemen are but servants. As representatives of their home people they have rights, but the voters of the nineteenth congressional district of New York have superior rights, which we are duty bound to defend. Particularly the 750 American voters in these three election precincts have sovereign rights which we can not honestly disregard. [Applause.] Let us forget the Representative and keep our minds on this American electorate and their constitutional right to a representative of choice and not of our arbitrary determination.

There are here 156 precincts, and these, of course, make up one Representative unit. Throwing out three Democratic precincts, of course, destroys the Democratic majority in that district. By throwing out enough precincts on account of alleged irregularities the majority of any district in the coun-

try can be reversed. Carried to its logical conclusion, throwing out election precincts is subversive of our republican form of government.

Mr. YATES. Does it disfranchise 750?

Mr. NELSON of Wisconsin. Yes; it does.

Let us now withdraw your attention from the bad precedents to which the contestant appeals, from the contestant and the contestee alike, to the people of the district he would have us disfranchise. In effect, we are to nullify the expressed will of the people of this congressional district.

Let us look at these propositions in the light of common sense and personal experience. These irregularities are comparable with the incidents that occur in the President's Cabinet and both branches of Congress. Because there may be members of the President's Cabinet who are guilty of "irregularities," shall we disfranchise the Chief Executive?

Because in and around the Halls of Congress various irregularities occur, even charges of bribery, drunkenness, undue influence by special interests, logrolling, use of patronage, intimidation, and what not, shall we then throw out the proceedings? The very suggestion is, of course, ridiculous.

Obviously the thing to do is to purify the poll, the legislative and administrative proceedings, and preserve what is good. I repeat, it is a most surprising proposition to cap a few irregularities in a precinct by proposing the supreme irregularity of utterly destroying the poll.

With these standards of official conduct in mind as applied to Cabinet officers and Congressmen, I shall now state my findings of fact as to the alleged irregularities of these three precincts—the twenty-third, the thirtieth, and the thirty-first—the poll of which precincts it is proposed that we toss into our congressional wastebasket.

We begin first with the twenty-third precinct. Early in the morning and continuing all day 275 men and women, American citizens, having no anticipation of the fact that they are to be disfranchised, cast their votes, and depart feeling secure in their sovereign rights. What they should have done, however, according to the precedent cited in Gill against Dyer, was to carefully find out whether every election official was in every detail qualified. Moreover, they should have stood around the polls all day to see to it that no possible irregularity occurred. It is true that they were represented by police officers and by public officials, but, according to the precedent cited here, any irregularity happening at any time in or outside of the poll will lead to their disfranchisement. Not only should they have been careful to see to it that election officials did their duty, according to the Chandler case, but also that these officials did not omit to do everything precisely as directed by the election laws. If they thought that the election officials themselves would be held to personal account for their misdeeds or omissions of duty, this case will show them how they were grossly mistaken. If we follow the majority report and the precedents there cited, we shall say that the electors themselves in every congressional district must be held responsible for any action of commission or omission in the nature of irregularities at the polls on pain of disfranchisement.

In the twenty-third precinct the contestant says in turgid rhetoric, "The inspectors were not qualified." One of the Republicans, Webster, he admits was qualified, but the other Republican, Grohol, who testified that he kept his eyes open and did his duty faithfully all day, had not registered and was not a voter in the precinct, but had been appointed by the election board and was sworn in as an inspector.

Mr. ELLIOTT. He was not a resident of New York.

Mr. NELSON of Wisconsin. But he had worked 18 months in New York City for the Red Cross and was sick on registration day. One Democratic election inspector had to leave before noon because of urgent business. His vacancy was filled by swearing in a woman as inspector. She had officiated as a Republican inspector at the registration. Her husband was a Republican captain in another district, but the Republican organization, not wanting a woman inspector, had refused her appointment. She felt sore, but she was personally for Chandler. She liked the work about the polls, and the Democrats gave her the job of filling Levy's shoes for the rest of the day.

Mr. YATES. Who was Levy?

Mr. NELSON of Wisconsin. He was one of the Democratic inspectors that they allege did this stuffing of the ballot box.

Mr. FAIRCHILD. And he went home after it was discovered.

Mr. NELSON of Wisconsin. Keep that out of my remarks; it is an interjection and is not correct. He went away before it was discovered.

Mr. FAIRCHILD. That is what the evidence shows.

Mr. NELSON of Wisconsin. The evidence does not show that. He went out at 11.30, and it was discovered when the other inspectors came back about noontime. Levy and the other inspector, Elbern, had been sworn in shortly before as inspectors at the registration, and one of them testified that they had taken the oath in the morning. But be that as it may, because of the bad memory of these inspectors and their failure to read the directory provisions of the law, the contestant says we should throw out the whole vote.

As a Republican it seems to me grossly unfair to take the seat away from Mr. Bloom, because Mr. Chandler finds fault with three Republicans officiating as inspectors. Now, in law these inspectors were either *de jure* or *de facto* officials. Any citizen or official could have protested at the time their disqualifications, but with reference to the public, it is unworthy of serious controversy to charge that these irregularities in the qualifications of the election officials should be visited upon the voters themselves.

Much ado is made by Mr. Chandler over some 36 unvoted ballots. Shortly after the noon hour the policeman at the polls discovered some 17 ballots in the back room of the barber shop where the election was held. Some witnesses testified that three of these ballots were marked for Bloom; other witnesses denied it. But supposing they were. What of it? There is not a scintilla of evidence, only the sheerest suspicion, that a single one of these unvoted ballots got into the ballot box.

The Democratic captain at the polls was indignant. He blamed the Republican captain. Every one, Republican or Democrat, tried to find out how the thing happened. Nobody seems to have solved the mystery. The contestant suggests a certain hour when all the Republicans were away, when this dreadful conspiracy of stuffing the ballot box by substituting these 36 unvoted ballots, supposedly marked for Bloom for Republican ballots had occurred. A wonderfully ingenious hypothesis, but, unfortunately, there is no evidence whatever to sustain it. I checked over carefully the time when each inspector left and returned during the lunch hour. I found no such point of time when there was not a Republican—Mrs. Born was a Republican—and a policeman at the polls. The other two Republicans—Webster and Grohol—were only gone 45 to 50 minutes. The idea of a conspiracy on the part of Mrs. Born and Elbern to stuff the ballot box with these unvoted ballots at this short hour, in the presence of the police officer and the voter or the voters themselves, by a sleight-of-hand substitution, knowing beforehand whether the voter is a Republican or Democrat, is the height of absurdity. Certainly it is not sufficient to shift the burden of proof. The record shows that 275 votes were cast, from 275 stubs, and 275 names of voters enrolled. Shall we upon such suspicion, when fraud must be proven, vote to disfranchise these 275 voters because 53 unused ballots are found taken from a larger pile of unused ballots? Surely that would make a rare precedent for future election cases.

The irregularity charge of electioneering at the poll is unworthy of serious comment. The picture of Mr. Bloom was found on the door of the barber shop where the election was held. The policeman turned it about where not noticed. A large election poster was found on the sidewalk some 20 feet from the election poll. The Republican captain promptly removed it. Therefore, says the contestant, throw out the ballot box.

The irregularity, so-called, of an unofficial handling of ballots is likewise nonsense. Here was an election with only two candidates in the field. The facts are that when the ballots were being counted the inspectors, the policemen, and the captain were looking on, watchers would look at some Bloom or Chandler ballots to see if it was properly marked. The police officer and inspectors testified that the ballots were correctly counted. But says the contestant, "Throw out the poll."

The irregularity alleged of illegal voting by repeaters, reduced to concrete facts, consists of the charge that four people voted under the name of a father and three sons. Assuming that repeaters did vote under these names, I find no proof that either Mr. Chandler or Mr. Bloom's friends had anything to do with procuring such votes. No one knows for whom they voted. So far as my mind is impressed by the evidence, the facts seem to be that this father and his three sons did vote, and when interviewed by Chandler's Department of Justice agents denied voting to escape threatened punishment. The evidence shows that this family group were old residents of the district, registered voters, and were in the act of moving out of the precinct but not out of the congressional district, and that, in fact, several of them had so moved. I do not believe that any court would hold such votes, where known to the inspectors

to be registered voters of the district, can be held illegal. In any event, these four votes did not affect the result. Nevertheless, throw out the other 271 good votes, says the contestant.

The irregularity charge of intimidation is also absurd. The incident the contestant refers to was the driving away of four Republican Italian workers sent from an outside precinct. The police ordered them away as ruffians. How their presence or absence could affect the purity of the poll is beyond my understanding.

The irregularity charges of drunkenness and boisterous conduct, when reduced to reality, amounts only to this: That one or two of the inspectors went back occasionally to a back room where liquor seems to have been available, but only one inspector was even charged with being under the influence of it. Other witnesses, including the woman inspector, testified that there was no drunkenness. Evidently the incident is magnified; but be that as it may, this inspector's alleged intoxication had no effect whatever on the discharge of his duty nor on the purity of the poll.

The irregularity in the method of counting is also unworthy of comment. It seems that instead of following the directions of the statute the inspectors adopted their own quicker method. Here were only two candidates running, and so they separated the tickets into piles. There is no question but what the count was correct.

Finally, the last irregularity charge is that the 53 unvoted ballots were not accounted for in the return. That, of course, is a requirement of the law, but it is not made a condition of the validity of the election. It is plainly directory and the fact that these 53 missing unvoted ballots were not returned had no effect upon the 275 ballots that were cast at the election. Whether these 53 ballots were accounted for or not would have no effect whatever on the result of the poll.

Now let us take up next the thirtieth election precinct.

Discounting again the turgid rhetoric of the contestant and looking to the facts of the record, we find that he charges two irregularities. Having gone over the returns of the thirtieth congressional district months after the contest was begun, the contestant found that in this precinct 34 unused ballots were missing in the return, but as these unused ballots unvoted could not have affected the purity of the poll, a charge of irregularity is made which is serious if true. It is that these 34 unvoted ballots got into the ballot box by a process of substitution on the part of an inspector. Upon investigating the record, however, I find that that is mere suspicion. Not only that, but by an invention an Italian barber, whose barber shop was used as a polling place, is set up as a witness, but though he is presented as the witness of this contestant, he found it necessary to impeach his own witness. This barber is supposed to have told the Department of Justice agent and the Republican precinct captain that he had seen the substitution of these ballots. It appears that he was afraid his landlord was going to increase his rent. These workers of the contestant told him that a Congressman could influence the landlord to keep the rent down; but despite this alluring inducement the Italian barber, testifying under oath, totally repudiates the story that he saw the substitution. Anyone familiar with testimony at once sees that he was telling the truth. Moreover, his testimony is sustained by many witnesses; indeed, it was impossible for him to see what it is alleged that he saw, for he came to his barber shop at 7 o'clock, left soon, and returned at 5.30. The inspectors testify that he was absent and laughingly point to the fact that the barber's tonics were used during the day, which he certainly would not have permitted had he been present. Now, upon such a flimsy sort of evidence are we to throw out the ballots of every American voter at that precinct?

Let us take up the thirty-first election district. Here the irregularities are these:

One of the inspectors was under indictment. He had never been tried or convicted. When we look into the indictment we find that it was with reference to some squabble about socialists at a previous election. He was a *de jure* official. There is also some controversy about the opening of the poll, but the proof is that the polls were opened on time and conducted fairly all day.

The irregularity charge of electioneering by the contestant amounts, upon inspection, to nothing more than that some interested worker testifies that he saw cards passed out at the voting place, which the policemen and the other inspectors say they did not see, and that it did not occur. Certainly this bit of electioneering, if it occurred, could not have had any fraudulent effect whatever upon the purity of the poll.

Likewise, the irregularity charge of violation of the secrecy of the poll is, upon investigation, found to be absurd. The

whole tale is ridiculous, could have accomplished no practical purpose whatever, and the story of the violation is contradicted by the count of the ballots.

The irregularity charge of mutilation of ballots is found, upon inspection of the ballots themselves at the recount, to be nonsensical.

The irregularity charge of intimidation is denied by police officers and inspectors. It amounts only to a personal squabble between two officials in the election precinct about nothing and certainly had no effect whatever on the poll.

The irregularity charge of too speedy counting of ballots by an inspector, and the difficulty of getting tally sheets to agree, while resulting in a miscount of several ballots, was corrected on a recount by the elections committee. Therefore it had no effect upon the purity of the poll.

A most careful investigation, therefore, of the fact of record by my clerks and myself has failed to show the least effect of these irregularities upon the purity of the poll of this precinct. No relationship between these incidents of the election can be seen showing any directing agency behind them. How, then, can we justify voting to disfranchise these voters? Why should these men and women, discharging their duties as American citizens, be punished because of the alleged irregularities of election officials, of interested workers? There is no charge established or even partly proven that voters voted illegally, certainly not that Mr. Bloom benefited by any of these technical irregularities or even had any knowledge of them at all.

All these incidents pertain more or less to everything that human beings do, whether it be in an election precinct or in Congress or in an executive department. Certainly it is a rather drastic prescription to propose that where a few such trifling irregularities occurred at three election districts outside of the ballot boxes the proper remedy is to destroy the entire content of every ballot box.

Let me clinch my argument by a concrete demonstration. Mr. Chandler is applying 100 per cent standards of judgment in this case. Has he come into court with clean hands? He charges these humble folks, who have had no training in the technicalities of the election laws nor in the detailed procedure of election contests, with irregularities. Let me apply his standards to himself.

Was it fair to his opponent to make use of his political influence to get the services of Department of Justice agents to hunt up these irregularities? Was it regular for him to use his political pull to bring citizens of this district down to the Federal building to be given the third degree by these Department of Justice agents? Was it quite right for the agents working for him to scare the Feldmans under fear of prosecution for voting in their old precinct, to make oath that they had not voted, and then to charge upon Bloom that he had voted repeaters? Was it quite regular for one of these agents, Goldman, with Goldsmith and himself, to impeach his own witness, Vucll, when he refused to go through with the trade?

Is it quite fitting and proper in an election case for a contestant to get a desk in the House Office Building from which to carry on an incessant campaign to influence the very judges that are to pass upon his case? Is it quite regular to indulge in the most extravagant rhetoric when the exact truth should be stated? Is it quite regular to set up as a leading precedent for the guidance of the House the case of *Gill v. Dyer*, which he himself condemned by his own vote? In short, I wonder if the definition of fraud might not possibly include the effort of an able lawyer, by every artifice known to an election contest, seeking to influence by personal and partisan appeal the decision of the tribunal in his own case. To me, as a member of an elections committee, it seems hardly in accord with the proprieties for a contestant or the contestee to lobby his case in this House, where only the law, the precedents, and the evidence should affect the decision as to the right of a Representative in Congress to his seat and the more sacred rights of the people of a congressional district to a Representative of their own selection. Anyone coming into court, and this is the supreme court of the land so far as this case is concerned, should come with clean hands. Charging these humble inspectors with irregularity, he should come here by the front door and plead his case before the committee, relying upon a fair count of votes, the law, and the evidence for his remedy. Any other course is downright irregularity.

Mr. Speaker, I have subjected this case to the three standard tests known to man by which to guide his conduct. I subject it first to the test of principle. I have found and have proven to you that the principle embodied in the precedents cited by the contestant is unsound and bad. I have brought contestant's allegations and charges into the light of truth

and have found from the facts of record that these charges are either extravagant, absurd, nonsensical, or ridiculous, having had little or no effect upon the purity of the expressed will of the electorate of that congressional district. Finally throwing out these three election precincts will not stand the conclusive test given mankind by the highest authority.

Such action must be condemned by its undoubted fruitage. Taking this seat in Congress by a strictly party vote, disfranchising all the voters of three election precincts, disregarding the principle of election by the majority, making another bad precedent in this House, arouses retaliation in the Congresses to come, which again stirs up more ill will and a brood of evil, becoming another seed plot for a harvest of close election contests, inevitably resulting from the practice of throwing out election precincts wholesale without discriminating between legal or illegal votes.

Mr. Speaker, I protest against the idea that we are free to vote for whom we please. It is true that no one but our constituents can call us to account, but are we free to disregard our responsibility to our constituents by not living up to their confidence in us? Representative government has no other safeguard than the virtue, the nobility, and the character of its representatives. [Applause.] Surely, under our solemn oath to support the Constitution, we are not free to violate the very principle upon which constitutional government is based.

No, sir, we are not free to do wrong, to covet that which is our neighbor's for a friend or a political ally. There is even a higher authority than the Constitution. There is a Supreme Judge who on the flaming mountain proclaimed the commandment to all mankind, "Thou shalt not steal." [Applause.]

We, too, are subject to laws. There is no safe retreat in this Chamber for either constitutional or moral anarchists. We belong to an ordered world of mankind. If anyone doubts the existence of the moral law, I invite him to go with me to the building yonder, the Library of Congress. Here he will find an alcove with a thousand books written on this law. I will point out to him the writings by Mr. Spencer and his school of evolutionists. These trace out the rudiments of the moral law in the customs of savages and semicivilized races of mankind. Or we may examine the writings of the rationalistic philosophers and learn from Emanuel Kant, the categorical imperative, so to act that our action may be a universal rule of conduct.

It was Kant who declared that two things filled him with amazement and awe, the starry heavens above and the moral law within. He found the moral law written in reason itself. I will point out to you the writings of the Pagan philosophers of Rome and Greece who found the moral law in the human soul, the records of history, and in the affairs of mankind, or I will show you a vast array of books written on the moral law by the students of the Holy Scriptures and of the life and teachings of the Founder of the Christian religion. All agree on the fact of a moral order, and all these writings converge to produce mankind's moral code.

Truly the laws of morality can no more be defied with impunity than the laws of nature. The trouble with this world to-day, with many a man high in authority in our own country, yes, with Members of Congress, is that they forget that they can not break away from the old moral moorings, nor ride down moral barriers at will. No man can long defy the inexorable law of consequence. It applies with equal force to individuals, parties, and nations. It is more ancient than Moses who embodied it in his code of legislation. It was told Job by his friend Eliphaz—

Even as I have seen, they that plow iniquity and sow wickedness reap the same.

Micah uttered the warning:

Notwithstanding the land shall be desolate because of them that dwell therein for the fruit of their doings.

Hosea explained the reason of punishment:

For they have sown the wind, and they shall reap the whirlwind.

Isaiah had the principle in mind when he said:

They shall eat the fruit of their doings.

So did Jeremiah when he declared—

Great in counsel and mighty in work, for thine eyes are open upon all the ways of the sons of men; to give everyone according to his ways and according to the fruits of his doings.

The thief on the cross acknowledged the law, saying—

We receive the due reward of our deeds, but this man hath done nothing amiss.

The Apostle Paul uttered the warning:

Whatsoever a man soweth that shall he also reap.

Reward or penalty, if not instantaneous, are only delayed or hidden for a time, but can never fail, because the law of consequence is the immutable decree of eternal justice.

Fellow Republicans, this is an easy case to decide if we will but divest ourselves of the fury of the party spirit. I appeal to you once more to heed to the words of Washington, the great American prophet, who warned his countrymen of the dangers he foresaw looming in the future for his beloved land:

I have already intimated to you the dangers of parties in the state, with particular references to the founding of them on geographical discrimination. Let me now take a more comprehensive view and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed, but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which, in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism.

Without looking forward to an extremity of the kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

What are the safeguards of the Republic? Listen again to the father of our country:

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundations of the fabric?

I conclude as I began. Walter M. Chandler was not elected a Member of this House, and is not entitled to a seat therein, but that Sol Bloom was elected and is entitled to his seat. [Applause.]

Mr. FAIRCHILD. Now will the gentleman yield?

Mr. NELSON of Wisconsin. Yes.

Mr. FAIRCHILD. Now, as to the 34 ballots, do I understand the gentleman to say that he believes the sworn testimony of the Italian barber and does not believe the sworn testimony of Mr. Chandler?

Mr. NELSON of Wisconsin. I believe the record and that that incident does not reflect credit on Mr. Chandler.

Mr. FAIRCHILD. Does the gentleman believe Mr. Chandler or the barber?

Mr. NELSON of Wisconsin. I believe the sworn testimony of Mr. Vucci and the inspection officials who say that they did not see any such thing.

Mr. ELLIOTT. Mr. Speaker, I yield 20 minutes to the gentleman from California [Mr. FREDERICKS].

Mr. FREDERICKS. Mr. Speaker and gentlemen, I suppose that it is petty pilfering that we are engaged in and that it was not petty pilfering when ballots were stolen, taken out into a back room, marked, and voted; that when men came to the polls to cast their vote and were told "It is already voted; you can not vote; I voted for you"; when other men came and drove the workers of one party out of that contest in fear of their lives; when men stood at the polls with a cigar in one hand and a picture of one of the candidates in the other; when electioneering went on and every law that has been promulgated for the protection of the ballot, every law written in the experience of a great State like New York was violated time and time again and ruthlessly and shamelessly—that is petty pilfering. Well, all right; let it go at petty pilfering; but to my notion, while the stamina and the honesty and the virtue of this organization is much to be lauded and hoped for, the stamina and virtue and lawful procedure of that upon which this House and all other governments rest, the ballot box, is more to be hoped for and sought for. [Applause.]

Who injected politics into this situation? When Mr. Chandler offered his petition for contest in this case, in view of the

situation as he saw it, immediately after election, did he have any idea that the change of one vote in the House of Representatives would make any difference? Did he inject politics into this situation? Certainly not.

If I were to discuss this matter from a partisan standpoint, I would be very happy indeed to allow the matter to stand on a discussion of the distinguished gentleman who preceded me. We put in nine wearisome days listening to this testimony, and if the gentleman from Wisconsin read this record he certainly has determined to keep it secret, for he made mighty little reference to it. The only place he referred to it was when he got it wrong.

Here is the record as to whether there was a time in the precinct when there was no Republican voter present. I have the official record, and it states that one of the Republicans went out at 12.30 and the other one at 12.20, and the time when they got back was at 1.05. That is the record as to whether or not there was a time in the twenty-third election district when there was no Republican present. I want to say that I regret exceedingly that this matter has taken a partisan turn. It should not have done so, and I am not going to blame anybody for having given it that twist, but I certainly would like to discuss and consider it outside of any thought of political preferment.

It is a most serious thing, gentlemen. You are going to send a message to the great country to-day, you are going to say to every election district in the United States, you are going to say to these men down in New York who must soon assemble for another election, you are going to say "It is all right, boys; go into the unused ballot list, select 50 or 60, whatever you need, take them into a back room, mark them, and slip them into the ballot box. It is all right; that has received the stamp of approval of Congress, and you are in no jeopardy if, perchance, you do not get caught just as you happen to slip the ballot into the box."

You are going to say that all and sundry of the things that have happened here—and I have not the time to refer to them, but they are the most disgraceful things that ever happened in the history of an election—meet with the approval of Congress, you put the stamp of Congressional approval upon them. You have not time to go into those things, gentlemen, and I am not asking you to trust your committee, although I happen to be one of that committee. The country will know. You have had this record before you. It has been printed and has been in your hands for weeks. If you have not read it, then I venture to say that all of the fellows down in the districts of New York where this thing has occurred have read it and they are going to make up their minds just how far they can safely go.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. FREDERICKS. No; I do not want to yield now. As to the facts in this situation, as to the law applicable to those facts, I know that Congress is a law unto itself, that you can turn a man out if you do not like the color of his eyes or the color of his hair. I know that the entire matter is in your keeping and that if you want to be arbitrary about it you may do so. However, there has grown up in the procedure of contests throughout the existence of this body a set of customs which may be considered precedents. You can find a precedent probably for almost anything that you want to find one for, but running through all of them you will find a few general principles that have not varied. We are not trying in this case to prove that any particular person committed a crime. In that respect the brief that has been presented by the contestee is at fault, because he recites there a law which takes into consideration the presumption of innocence of an individual charged with crime, and sets over against that the necessity of proving a case beyond a reasonable doubt. That is not involved in this matter. Neither are we asking that anyone take any chances. I am frank to say to you that so far as this case is concerned, I do not know whether the crimes were committed by the Republicans or the Democrats, and I do not care—it makes no difference. I am here to take this position, that in the three election districts that are involved the procedure of the so-called election officers was so far from the law, was so flagrantly fraudulent, that these men demonstrated by their acts that any return they made is not to be trusted. They demonstrated that so completely that the only way to do is to cast those districts aside and say to Mr. Bloom, "if you think you were elected in those districts you will have to prove it in some other way, by some means that are acceptable to the minds and the conscience and logic of the human family; this way does not appeal."

In that particular and referring to precedents, let me quote you just a few of them. I quote from McCrary on election laws:

When fraud or gross culpable negligence on the part of the officers of an election is shown, all their acts and doings are rendered unworthy of credit and must be disregarded. (S. 303.)

Again I quote from section 470 of McCrary:

While a mere irregularity which does not affect the result will not vitiate the return, yet where the provisions of the election law have been entirely disregarded by the officers, and their conduct has been such as to render their returns utterly unworthy of credit, the return must be rejected. In such a case the returns prove nothing.

Again:

If, for example, an election officer having charge of a ballot box prior to or during its canvass is caught in the act of abstracting ballots and substituting others, although the number shown to have been abstracted is not sufficient to change the result, yet no confidence can be placed in the contents of the ballot box which has been in his custody.

If you remember the testimony, you will recall that of Mr. Chandler himself, and the story related to him by Vucci, who said that an election officer stood at the ballot box and if a ballot came in, after looking at it, if it was not satisfactory to him, he filed it in his pocket and took out of the other pocket one of the stolen ballots already marked and put that in the box. He said that happened to 34 different ballots. That is the testimony, and I say it will not be sufficient to purge that box by taking 34 ballots out of it. That box is so rotten, so full of fraud, that it can not be considered as a ballot box at all.

Those are the general run of decisions, and they do not vary from that. I shall not take up your time to read them. Let us now take the case of the twenty-third election district. In that case it is a fact undisputable that there was no legally constituted election board. There is no quibble about that. Only one member of that board was a duly constituted member of the election board, but let us pass that over. Suppose any one of the other three had committed a crime there as an election officer, and a prosecuting officer had been called upon to try him for committing that crime, say, for shifting ballots or something of that sort. The first thing that the prosecuting officer would have to do would be to prove that he was an election officer. He would fall down there immediately. These fellows were playing safe. They could not have been convicted for a violation of the election laws as election officers, because they were not election officers, held and bound by the responsibility of election officers. What did they do? Shortly after noon a policeman who was on duty there went into the barber shop at the back of the polling place and there found 17 ballots. Three of those ballots, I think, were marked with a cross for Mr. Bloom. He raised a cry about it and there was an investigation, and they all began to put up alibis and search themselves, and so forth. The Democratic man, Mr. Levy, disappeared. He did not wait until 4 o'clock. The record is that he ran then and there and did not pause in the order of his going.

Now, let us consider for a moment what is surrounding the ballot box. Think for a moment. It was afterwards found on investigation 54 ballots had been taken out of the sheaf of ballots and taken somewhere. Now visualize that for a moment. Those ballots did not go into a back room by mystery or by accident. They did not walk in there; some one took them. Who took them? I do not care whether they were Republicans or Democrats, but I say that the man who took those ballots and took them out took them out for a purpose. He took them out for a purpose. What was his purpose? It could only have been one thing, in order that they might be used fraudulently in the ballot box. They had no other use. Now, presuming that man was an election officer, there was a crime. There was a crime for which he could be sent to the penitentiary. Does a man idly and without motive and without intent but with a malignant and abandoned heart, with fraud in his very conscience and soul, does he deliberately take a chance on the penitentiary by taking these ballots out of their place and taking them into another room? Does he do that simply or does he do that as part of some definite and determined and purposeful act? Certainly that man had his motive; he had his reason. He was willing to risk the penitentiary for them. He was willing to risk the penitentiary, gentlemen, for the purpose of corrupting that ballot box and that ballot box was in his care. Now, I say to you that when you have demonstrated that a man of that kind with a malignant and abandoned heart, with the opportunity he had, with the ballot box in his charge, that ballot box is not entitled to any credit when it afterwards comes before any bar or any

investigating committee. Now, you can not cover this thing. It is not to be. It is just fraught with fraud. I can not begin to get over it. I am going to take another one of the two precincts. Set aside or sustain the position of the committee on any one of these precincts, of course our position will be maintained. I do not care what you do. I have done my duty in this matter. It is on your shoulders and not on mine any longer, but just take one more circumstance. Here was another district in which 34 ballots were found to be missing, 34 ballots found to be missing from the sheaf of uncounted ballots. What happened? They had a barber in this shop, and this barber told three men, one of whom was Mr. Chandler, who came before the committee and swears to this, that he saw the Democratic election officer take 34 of those ballots in his pocket, and when a man came up to vote he would look at the ballot and see if it was a friendly ballot and if it was an unfriendly ballot he would put it in his pocket and he would take out a marked ballot out of his other pocket and put it in the box. There is testimony that is beyond all cavil. There is testimony as to just what happened. Those were the things that they did there. Gentlemen, you can not for a moment sustain the validity of these returns of these districts unless you knock from under the American people the very pillar, the very keystone, of their political life and liberty, for unless we can have purity of the ballot we have got no country, and I would like to have Mr. NELSON transcribe the oration he delivered on "Thou shalt not steal" and the civic virtues and take it down to Tammany Hall and hang it up over where they can read it. It would do them all good. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FREDERICKS. One word, as my time, I see, is about up. You are making history. Make your history against the stealing of ballots and the stealing of elections. [Applause.]

Mr. KERR. Mr. Speaker and gentlemen of the House, in the determination of this contest a question is involved which is much more significant than party fealty, for if we can not put personal honor and a desire to be just in dealing with our fellow man above partisanship then we deserve to be censured, and we surely invite political pestilence and destruction—"that walketh in darkness and wasteth at noonday."

Now, so far as I am concerned, and I think the membership of the House shares the same feeling, I shall endeavor as long as I am a Member of this House to restore the confidence of the people in our form of Government. [Applause.] The issue that is involved here may not, if you please, be just simply a question as to who is entitled to a seat in the United States Congress, the contestant or the contestee, but it strikes deeper than that, in my opinion.

The question that this body of men must determine and which it is now called upon to decide, sitting as a court of law and equity, is the question of right and wrong, merit and demerit, between the contestee and the contestant. I want to say, gentlemen, and I want you to hear me, that this was one of the most remarkable elections in many ways I have ever known. There were more than 36,000 votes cast at this special election; 17,909 were cast for the contestee, and 17,718 were cast for the contestant. The contestee had, after the votes had been counted pursuant to law, a majority of 191 votes. The board of elections of the State of New York returned contestee, duly certificated, as the Congressman from the nineteenth district. A notice of contest was filed, and those votes were recounted, and the contestant and the contestee were present, and each one looked at each vote as it was brought before him. Upon a recount of this vote, conceded by both contestant and contestee to be legal ballots, the contestee had a majority of 126.

That is not all of it, gentlemen, if you please. These votes that the contestant and the contestee conceded were legal votes were added up, and the contestee here had a majority of 126. Then, these votes that were disputed were brought before the Committee on Elections; and after the Committee on Elections had looked over these disputed votes they increased the majority of the contestee to 153, and then reduced it by 8, which made a net plurality of 145.

So, gentlemen, you have the ballots counted three times and the technical rule of law invoked at each counting. You have the ballots counted first by a nonpartisan board of elections, and the contestee had 191 majority; next, if you please, by a board or commission appointed under the New York law, and after they were counted there—the votes that were conceded to be legal by both Mr. Chandler and Mr. Bloom—Mr. Bloom was given a majority of 126. After the committee looked over the disputed ballots they increased Mr. Bloom's majority to 145.

I say this was a remarkable election. I think you will concur with me when I tell you this: After this contest was filed

the contestant here, with the machinery of the Federal Government, the Department of Justice helping him, and with other friends helping him—because he had been in politics many years and you have a right to assume that he has a number of political friends, and the evidence discloses that he did—made an investigation of the votes in this district, all of them; and do you know how many illegal votes they found among the 36,000 votes cast? After they had gone over these votes in this district, how many illegal votes was the contestant able to find were cast at this special election? Thirty-two. Gentlemen, I am not mistaken about this. There were six conceded to be technically illegal because they had voted at this special election and the election officer failed to require them to write down or register their names when they voted. There was no fraud about that. They were entitled to vote and to be counted and should not have lost their votes. There were 12 votes determined to be irregular and illegal; these 12 had moved out of the precinct between the time of the general election in November and the special election held in January. And there were 14 that were found who, they said, did not vote at all, but some repeaters voted for them.

This finding is significant, and it points to how little irregularity there was in this election. I doubt if there was any other election held in any district in this Government where there were not more than 32 irregular votes cast; that is all.

As to the 14 repeaters, I want to remind you these repeaters who were said to have voted in place of the legal voters—of these repeaters only two of them voted in the three precincts which the committee threw out. Although this was apparent from the evidence in this contest, still the majority of the Election Committee threw out and annulled three election precincts—the twenty-third precinct in the eleventh assembly district and the thirtieth and thirty-first precincts of the seventeenth assembly district—and thereby disfranchised more than 800 voters who had voted in this election, upon the ground of frauds perpetrated therein, although there was no evidence of even an irregularity or fraud save the two votes referred to which were alleged by the contestant to have been cast by repeaters. At any rate, the evidence of fraud did not approach the dignity of a well-founded suspicion and would have no standing in any court in this land. [Applause.]

This was a normal Democratic district, if you please. There were 34,000 Democratic votes enrolled and 24,000 Republican votes enrolled and about 7,000 who did not designate what party they would affiliate with. In this election the contestant received 90 per cent of the Republican votes of the twenty-third precinct. The contestee received only 60 per cent of the Democratic votes, and yet they say that the Democrats committed fraud in the precinct; if they did, it did not inure to their benefit, for if there was an abnormal vote cast in this precinct it was for the contestant and by his Republican voters; it clearly disclosed that the contestant had his party better organized than the contestee had his. The vote of this precinct, the twenty-third in the eleventh assembly district, clearly discloses the activity of the contestant and his friends, and this activity was pronounced in every election precinct in this congressional district. Mr. Chandler did not sleep on his rights, and although he was repudiated and defeated in the district by 3,600 votes at the general election in November he reduced this majority to 191 at this special election. It was remarkable, gentlemen, in that this election was so free from irregularity. In order for Mr. Chandler to be sustained in respect to this contention it is necessary for him to show to this House that he has been denied votes on account of the dereliction or some irregularity on the part of an election officer or that there was such fraud perpetrated in some of the districts that the true intent of the electorate can not be determined. Now, has he lost any votes by reason of any irregularity on the part of any election officers? Let us see. It might have been against the election law for the election officer to allow a picture of Mr. Bloom to be hung within 100 feet of the election place, but there is no evidence that Mr. Chandler lost one ballot by it.

It may have been against the election law to permit anyone to see or "peep at" the ballots cast when the law provides for a secret ballot, but Mr. Chandler lost nothing on account of the absence of this secrecy. Mr. Chandler lost no votes by it.

If there had been irregularities allowed by the election officers, the contestee can not be held responsible for this; he in no way caused it or sanctioned it, and neither in law nor good conscience can he be held responsible, certainly not when the contestant has utterly failed to show that this dereliction caused him the loss of a single vote. I repeat that this special election was remarkably free from all that savored of irregularities and fraud, and I will ask you gentlemen who will reply to me

to show to this House, if you can, where Mr. Chandler lost one vote by reason of any irregularity or dereliction on the part of election officers. There was not one.

Now, as to the matter of fraud, gentlemen, when a man alleges fraud as a legal proposition he must prove it, and the law provides that he must prove it by preponderance of evidence. It is a well-accepted rule of law that fraud "which is criminal in its essence" and involves moral turpitude at least is never presumed but must be proven affirmatively. Conversely, a party is not bound to disprove fraud either directly or constructively; it must be proven by the party alleging it. The presumption, if any, is against the existence of fraud and in favor of innocence, honesty, and fair dealing. Here is what the best minds say about what is necessary to prove fraud:

Frauds must be established by a preponderance of the evidence. A preponderance such as is required in other civil cases is sufficient, provided that the proof is clear and strong enough to preponderate over the general and reasonable presumption that men are honest and do not ordinarily commit wrongs or act in bad faith. The courts have frequently said that fraud of the character alleged must be established by clear and convincing proof; satisfactory and convincing proof; by clear, unequivocal, and convincing proof; by strong, cogent, and convincing evidence; and by such evidence as to impel the mind of a reasonable man to a conviction of the truth of the charge.

So you come back to this: Has the contestant offered you sufficient evidence to remove the presumption of the fairness, correctness, and honesty of this election?

Let us see about it. If there was ever an election safeguarded and vouchsafed—and I say this with all candor and with great respect for the men who wrote the election laws of the State of New York—so that a man could not commit fraud, it was this election held under the election laws of the State of New York. This law not only provides for a bipartisan board of inspectors, two from each party, to hold the election, but they are allowed to have bipartisan watchers, bipartisan challengers, and bipartisan workers.

Do you know how many officers held this election in the nineteenth congressional New York district? More than 1,500 held it. You may ask, "Why do you say so?" Because there were two Republican inspectors, two Democratic inspectors, two Republican watchers, two Democratic watchers, a captain who was a Republican, a captain who was a Democrat, and a police officer, making about 10 men for the purpose of vouchsafing the election and keeping anybody from being dishonest. So you have 1,500 election officers holding the election in the nineteenth congressional district of the State of New York; this special election held on the 30th of January, 1923. They were there for the purpose of watching each other, looking after each other, and seeing that no unlawful act was committed and no unlawful thing was consummated, and they did it.

As evidence of the efficiency of the New York election law, the distinguished contestant, having invoked the help of the Department of Justice of this country and fine-tooth combed the whole district, could find only 32 illegal and unlawful votes cast at that time. [Applause.]

But he says, "I must have my seat. I am going to charge that in five of these precincts where Mr. Bloom, the contestant, has received substantial majorities there was so much fraud perpetrated that you can not determine the intent of the electorate, and therefore you must throw out at least three of these and let me have my seat."

[Applause.]

Well, gentlemen, you go with me a second and look at the similarity of the charges in each of these districts. In the twenty-third district, the illegal organization of the board; illegal voting; electioneering and intimidation. In the thirty-first district, illegal organization of inspectors, looking at tickets, illegal voting, drunkenness, and use of money. In the thirtieth district, the removal of 34 blank or unused ballots which they found, not during the election but found three months after the election, when Mr. Chandler was going around and combing the district for irregularities. Now, gentlemen, months and months afterwards they were found, and the irregularities alleged in each one of the districts are all the same, peeping at ballots, drunkenness, and so forth. One of the witnesses said that an election inspector's breath smelled like he had had a drink, and contestant is actually asking the House to disfranchise 306 voters, men and women, of this district because, forsooth, one of the election officer's breath smelled like he had a drink. [Laughter and applause.]

Why did they not throw out all of the five districts in which he claims there were irregularities? Because it was not neces-

sary to throw out the five. There was just as much evidence of irregularity in the twenty-fifth and twenty-ninth districts, as in the thirtieth, thirty-first, and twenty-third of the eleventh assembly district. A casual observation on the part of anybody in respect to the evidence in this case will show that there was just as much irregularity in the twenty-ninth and twenty-fifth as in the thirtieth and thirty-first and twenty-third districts. They threw out but three, because three were enough.

Mr. FREDERICKS. Will the gentleman yield?

Mr. KERR. Yes.

Mr. FREDERICKS. Was it not the result of a vote in the committee which narrowed the matter down to three instead of five, and was it not an open vote in which there was an expression of opinion?

Mr. KERR. I do not remember that at all. I remember that one of the members of the committee suggested the throwing out of three, and they were thrown out, and I have never known why you did not throw them all out. [Applause.]

Mr. FREDERICKS. The gentleman was there.

Mr. KERR. The three which the gentleman and the majority rejected, threw out, and annulled, and thereby disfranchised 800 voters, was sufficient to accomplish the purpose of this contestant. It enabled the contestant, after those three had been thrown out, to appear to have 224 majority.

Do you know what that action on the part of the committee reminds me of? A little circumstance which occurred once when I was down in my State practicing law. There was an old colored man who had been living for a number of years with a white man and his wife. They had no children and lived alone, and one night he came into the white man's house and asked for something to eat. While the lady was preparing him something to eat he knocked her in the head with a cudgel and then went in another room where the old man was and knocked him senseless with the cudgel. He did not kill either one of them, so he was arrested and brought before our court on a charge of felony, for assault with intent to kill. After knocking senseless the occupants of this home he went into the money chest of this old miser, where he knew he kept his money, and found \$5,500 in gold. The old nigger took exactly \$3,000 of it and left \$2,500 there. When he came on for trial I said to him, "Joe, when you were there stealing, why didn't you take it all?" I do not mean to say that the gentlemen on the committee had anything to do with stealing. I said to him, "Why didn't you take it all?" He said, "I will tell you, Boss, about that. When I got to counting all that money my old conscience reached up and caught me, and I couldn't take it all to save my life." [Laughter and applause.]

Mr. ELLIOTT. Will the gentleman yield?

Mr. KERR. Yes.

Mr. ELLIOTT. I want to say that there was plenty of justification for throwing out those other two precincts. For instance, the phoney inspector who acted all day, and nobody has found out yet who he was.

Mr. KERR. You did not throw them out because you had some conscience, and I pray God to have mercy on you for throwing out the others.

Gentlemen, you know what you are called upon to do in order to deprive Mr. Bloom of his seat in this Congress, and we may as well be fair and frank with ourselves. My friend from California said there was a stealing of votes; that votes were stolen in the twenty-third precinct, and therefore you can not tell how the electorate voted, and so you ought to throw out that precinct. My friend knows very well that he can not cite to this Congress, to this tribunal, where one Democrat ever removed one single vote in the twenty-third election precinct or where one of those votes that was removed ever went into the ballot box. If he will do that, I will advise Bloom to resign and go home and never come back to the city of Washington. [Applause.]

Mr. BLOOM. And I will do it.

Mr. FREDERICKS. As the gentleman referred to my statement in the matter, will he permit me to say that the fact those votes reached the ballot box is abundantly proven by a thousand circumstances, but no one actually saw them put into the ballot boxes. [Laughter and applause.]

Mr. KERR. If anybody is willing to accept as evidence what the gentleman says is a circumstance, the gentleman may be able to prove it; but you know there is no evidence that one of those votes ever went into the ballot box. [Applause.]

Mr. FREDERICKS. Oh, there is abundant evidence they went into the ballot box.

Mr. KERR. I still stand by my proposition. If the gentleman can show, or if anybody associated with the gentleman can show, that one of these 53 votes that appeared to be re-

moved from this precinct ever went into the ballot box, I will advise Bloom to go home and let Chandler take his seat in Congress.

Mr. FREDERICKS. What were they taken for?

Mr. KERR. I do not know what they were taken for. You ask me the question; they may have been taken to lay the basis for somebody in this matter to lay a claim of fraud and come in here and contest for this seat. [Applause.]

Mr. CHINDBLOM. Will the gentleman yield?

Mr. KERR. Yes.

Mr. CHINDBLOM. Was the gentleman from New York anticipating to be beaten by fraud at the polls?

Mr. KERR. I do not know whether he was or not. I can not tell you that; but I know this much, that the election, so far as the facts appear here, was one of the squarest and fairest elections ever conducted in this country.

Mr. NELSON of Wisconsin. Will the gentleman yield?

Mr. KERR. Yes.

Mr. NELSON of Wisconsin. Suppose a man thought a precinct was going against him and he knew that he could get unused ballots; could he not jeopardize the result by taking those unused ballots?

Mr. KERR. Of course he could.

Gentleman, I want to call your attention to another thing. They say this election precinct was improperly organized. You know how it was organized. The Republican leaders in the city of New York helped to organize it. They designated Mr. Webster as one of the inspectors and they designated Mr. Grohol as another.

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. WILLIAMS of Texas. I yield the gentleman five minutes additional.

Mr. KERR. They designated Mr. Grohol and Mr. Webster. After the election had progressed, Mr. Levy, one of the Democratic inspectors, had to go home, and, gentlemen, I want to say this about Mr. Levy, who is the man whom they say stole these ballots and ran away. He came before this committee, and the members of the committee were given the privilege of asking him any questions they pleased, and they did not ask him anything, because he was a gentleman and appeared in every way to be a gentleman and denied the accusation that he ever stole any ballots or ran away from anything.

Mr. FAIRCHILD. Every guilty man denies guilt.

Mr. KERR. Sir?

Mr. FAIRCHILD. Every guilty man denies his guilt. That is so, is it not?

Mr. KERR. No; I have seen men who had moral courage and character enough to admit their guilt.

Mr. FAIRCHILD. I mean the guilty men in this case. They denied their guilt, and that is all the testimony you had to rebut the testimony of their guilt.

Mr. KERR. That is all I have to controvert it?

Mr. FAIRCHILD. Yes.

Mr. KERR. Listen to this: Every accusation and piece of proof offered here by the contestant in this case is denied by as many as three to five witnesses who are just as creditable as his witnesses are.

Mr. FAIRCHILD. But denied by the guilty men.

Mr. KERR. Guilty men? Oh, yes, yes; if you are the judge whether they are guilty or not, you may feel that you can designate them guilty, but that does not necessarily make them so.

Now, gentlemen, in reference to this election—and I am going to talk on this only a minute or two—it was held by *de facto* officers, if not *de jure*. I lay this proposition down as a lawyer before the men here who are lawyers, that these men who conducted this election in the twenty-third precinct, all of them except Grohol, who was a Republican and came from Connecticut, had acted as registration officers for six days under the law; four of them, all save Grohol, had taken the oaths prescribed and were appointed for a period of one year; the fact that several of them failed to act at the regular election in November did not disqualify them, and so they assumed very properly that they were the proper persons to hold this special election; their acts can not be legally questioned; it would be puerile to contend that they were usurpers, and their acts therefore invalid. They were all *de jure* officials save Grohol, and he was a *de facto* official at least, recommended and vouched for by the contestant and his party.

There are several other alleged irregularities it is not necessary for me to speak about because my time is limited, and my colleagues who join me in the minority report in this matter will discuss these. Suffice it to say that the contestant has utterly failed to show by any evidence that he was deprived of

one vote by the act or dereliction of any election officer; nor has he offered any legal evidence of any fraud perpetrated in any district which would compel the rejection of that precinct.

Just one thing more, and I trust that you will carefully listen to me:

In order to deprive the contestee of his seat in this House, do you know how many men and women you must disfranchise in the nineteenth congressional district? You will disfranchise 1,400 voters in that district in order to declare Bloom not entitled to his seat in this Congress. Why do I say that? Because you must throw out 800 votes that were cast in the twenty-third, the thirtieth, and thirty-first precincts. Do you know what else you have got to do? You must confirm the action of the election inspectors who rejected 598 votes which were cast by honest electors for Bloom but were rejected because the cross mark made thereon was not placed in the square opposite his name. The intent to vote for Bloom was so manifest that no one could doubt it; the contestee has been deprived of these votes by legal technicality; the majority of the election committee by main strength has thrown out the three precincts, which disfranchises more than 800 more voters; and this House is now called upon to confirm these unwarranted and unjust and unlawful acts. I beg you not to do it; I pray you not to do it.

Now, gentlemen, this House has a perfect right to go behind ballots to ascertain the true intention of the voter. The law is perfectly plain upon that and I want to call your attention to it. This was decided in *McDowell v. Young* and in *Britt v. Weaver*, and in *Steele v. Scott*. They say this:

It is a great constitutional privilege for a man to be able to vote, the highest under the Government, and this privilege is not to be taken away from him by any mere technicality. You can count ballots that were marked wrong if it clearly appears that it was the intention of the voter to vote for a certain candidate.

And yet you have to deduct these 598 votes from Bloom in order to defeat him, because if you give him those votes and then throw out these three precincts he is still elected by 210 majority.

Let us briefly consider contestant's contentions:

ARGUMENT

The contestant contends that the twenty-third election district of the eleventh assembly district should be rejected for the following reasons, viz:

"First. That the board of inspectors of said district was not properly organized and therefore had no authority to act."

What are the facts? In the precinct five inspectors of election designated under the statute by their political parties held this election—Webster, a Republican, who was in every way qualified, this is admitted; Grohol, a Republican, who was designated by his party to act, although he was not an elector or voter in New York City; and Levy and Elbern, Democrats, who had acted as inspectors in this polling place on every registration day but who were sworn for this day perhaps not strictly in accordance with the statutes, and Mrs. Josephine Born, who took Levy's place when he was called away about noon.

This House of Representatives is asked to reject the vote of this precinct for the reason that Grohol, who had been designated by the Republican leaders, pursuant to law, to act as inspector, was not a resident of the city of New York. This fact seems to be true, but wouldn't it be a monstrous proposition that a man recommended for appointment by his Republican organization and actually accepted and sworn in by a bipartisan board of elections, and who thereafter served through the election honestly and faithfully, should be used by his party as the instrument of unseating a successful opponent who was in no way responsible for his recommendation and appointment?

The two Democratic inspectors, Levy and Elbern, may have failed to take the oath in the manner required by the statute, but they had been acting throughout the registration, they were well known in the district, and they were de facto officials if technically not de jure ones; their acts as far as the public is concerned are as valid as the acts of an officer de jure. Can it be said that the contestant has been wronged or lost one vote by this "illegally constituted and organized" board of inspectors, as contended by him?

Mr. Webster, who was admittedly qualified, had the authority to have sworn in each of these officers and thus qualified them fully, or he could have constituted an entirely new board, under the New York statute, if he had wished to have done so. Levy and Elbern and Mrs. Born, who were sworn in by one of them, were de facto officials under all the authorities of the State and of Congress.

"An election held by one regularly appointed inspector and one officer de facto acting under color of authority is valid." (Smith v. Elliott, 44th Cong., Mobley, 718-722.)

In *People v. Cook* (8 N. Y. 87) the Court of Appeals of the State of New York said:

"The first objection I shall consider relates to the inspectors of election. It appears by the record that the inspectors who opened the polls in the morning were not regularly sworn and that they were appointed by the supervisors, town clerk, and a single justice 'inspectors of election for the second district of the town of Williamsburg to act until others are appointed.' It was dated November 4, 1851. It appears that there were inspectors elected for that district, but that they were not present at the opening of the polls. There can be no doubt that this appointment was a colorable authority for these inspectors, and that their acts in that capacity were valid, so far as third persons were concerned; their omission to take the oath in due form did not invalidate their acts. * * * An officer de facto is one who comes into office by color of a legal appointment or election; his acts in that capacity are as valid, so far as the public is concerned, as the acts of an officer de jure; his title can not be inquired into collaterally. * * *

"Had the sheriff or constable arrested a disorderly person under authority of either of the boards of inspectors, who were merely such de facto, he would have been protected. The person of the voter is as securely guarded under authority of inspectors de facto as of inspectors de jure; a challenged voter swearing falsely before a de facto board of inspectors is as much liable to punishment under the statute as if the oath had been administered by inspectors de jure."

In *Barnes v. Adams* (41st Cong., 2 Bart. 765) it was said:

"There is, however, a principle of law which your committee believes to be well settled by judicial decisions and most salutary in its operations, which is conclusive of this point as well as of several other points in this case. It is this: That in order to give validity to the official acts of an officer of election, so far as they affect third parties or the public, and in the absence of fraud, it is only necessary that such officer shall have color of authority. It is sufficient if he be an officer de facto and not a mere usurper."

In *Eggleston v. Strader* (41st Cong., 2 Bart. 897-904) it was said:

"It takes but little to constitute an officer de facto as affects the right of the public. The exercise of apparent authority under color of right, thus inviting public trust and negating the idea of usurpation, is sufficient."

And also this:

"It is well settled in law that so far as the public is concerned the acts of one who claims to be a public officer, judicial or ministerial, under a show of title or color of right will be sustained. Such a person is an officer in fact if not in law, and innocent parties or the public will be protected in so considering or trusting him."

In *Birch v. Van Horn* (40th Cong., 2 Bart. 206), where a supervisor of registration was not qualified to hold the office, it was said:

"The committee are of the opinion that his acts as such supervisor can not be regarded as void, so as to affect the legality of the votes given at the election; that, having come into the office under all the forms and requirements of the law, he is at least a good officer de facto whose acts are not to be questioned in a collateral proceeding but only by some proceeding bringing his title to the office directly in question."

The case of *Sheafe v. Tillman*, cited by the contestant, does not apply. In that case the committee held that the coroner was not even an officer de facto, for he did not hold his office under color of legal authority. He was a mere usurper and all his acts were void. This is clearly not the fact in the case of Grohol, who, although not qualified, was duly appointed and fully and properly performed his duties, nor in the cases of Levy and Elbern, who were qualified but not properly sworn.

"Second. That 53 ballots were stolen from the pile of unused or unvoted ballots and undoubtedly voted for the contestee, Sol Bloom, by what is called shifting or substitution of ballots."

The 53 ballots which appear to have been missing from the bottom of the pile, 17 of which were found by some one in a barber's chair in the back part of the polling place, can not be chargeable to the contestee or to the acts of his friends; there is absolutely no proof that one of them was deposited in the ballot box; there is absolutely no proof that either of them were taken out of the pile for a fraudulent purpose; each and every one of the inspectors swear that they knew nothing of the removal; the evidence discloses that Grohol, the Republican, "handled the ballots practically all day." It would have been utterly impossible for them to have been removed and shifted or put into the ballot box in the presence of the four election inspectors, the watchers, the challengers, the captains, and police, several of whom were there all the while. There can be no sanctity attached to these unused ballots.

The overpowering fact is that there were 275 voters who registered their names and voted in this box and there were 275 stubs detached from their ballots and deposited in the stub box and there were 275 votes counted out of this box. To contend that some of those removed

unvoted ballots were fraudulently cast in this precinct is based upon not a scintilla of fact or evidence. The fertile mind of the contestant, who has established no fact of fraud in this matter by any well-accepted rule of law or common sense, has a suspicion that some one was attempting to wrong and was wronging him. We respectfully submit that his case is founded upon circumstances which do not rise even to the dignity of a well-founded suspicion; and yet this House of Representatives, constituted by a large number of lawyers who know the rules and equities of their profession, are called upon to do an act so manifestly unjust that to even contemplate it should arouse the spirit of any just and fair man. It would be just as fair for the contestee to suspicion that Grohol was sent into this Democratic precinct by the friends of the contestant and not qualified, as contended by contestant, for the purpose of creating this irregularity or the perpetration of a fraud, and then he would be prepared for this attack upon this precinct.

The vote of this district, as analyzed from the enrollment and as compared with the adjoining district, shows that Mr. Bloom received only 60 per cent of the enrolled Democratic vote, whereas Mr. Chandler received 90 per cent of the enrolled Republican vote. It shows that Bloom received only 115 plurality in this district while he received a plurality of 130 and 132 in the two adjoining districts of similar character. Bloom's majority was considerably less in this district than Mr. Marx received at the November election before. It was considerably less than the majority recorded for the Democratic candidate for State senator, assemblyman, and alderman in the general election of 1922 and 1923; it shows that the vote cast and counted at the special election was absolutely normal; it negatives the idea that any of these unvoted ballots went into the box.

Romaine v. Meyer (55th Cong., Rept. 1521) is determinative of this point.

"In the absence of evidence that any official ballot fraudulently or otherwise obtained was voted, it can not be held that the existence of such outstanding ballots in any way affected the result of the election.

"Unless the frauds and irregularities charged are proven, and unless it is further shown that enough votes were affected so as to change the result, a poll can not be rejected." (Evans v. Turner, 66th Cong.; Wilson v. Lassiter, 57th Cong.; Duffy v. Mason, 46th Cong.)

We submit that there is no proof whatsoever that a fraud was committed, that it tainted the box, or that it affected enough votes to change the result.

"Third. That there were cast and counted illegal voters on a large scale."

Upon investigation of the evidence the House will find that this voting of "illegal voters on a large scale" consists in four people voting under the name of Feldman—a Mr. Feldman and his three sons. There is not the slightest proof that Bloom's friends had anything to do with procuring these illegal votes, assuming that they were illegal, and there is not the slightest proof as to how or for whom these votes were cast. If they are found to be illegal, the box can be easily purged of them by deducting them from the votes of the candidates proportionately. (Wickersham v. Grigsby, 66th Cong.)

"Fourth. That there was electioneering within the prohibited space by Democratic election officials, and that there was a sign with Bloom's picture on it at or near the voting place."

The evidence is not sufficient to warrant the finding that there was electioneering on the part of the election officials; certainly no complaint was made either by the officer present or by the board of elections, which was in session all day to hear complaints and correct all errors and settle controversies. The great dereliction seems to be in having a likeness of the contestee on a movable sign near the polling place. The minority is inclined to think it was there. The Republican leader, Mr. Levis, in the district called the attention of some official, and with his aid the banner and the pictures were removed. It may have been a violation of the law to have exhibited these pictures so near the polling place, and the officials who allowed such may have been amenable to prosecution, but certainly this is no grounds upon which you should disfranchise 275 bona fide electors. (See Wigginton v. Pacheco, 45th Con.)

"Fifth. That unsworn persons handled the ballots."

The evidence discloses that Mr. Grohol folded and handled the ballots most of the day; when the count was begun the watchers, both Republican and Democrat, would look at disputed ballots; they had a right to do so. Grohol testified that there was no misconduct of any kind when the ballots were being counted; and Mr. Coyne testified that he saw every ballot taken out of the box by one of the inspectors, in full view of every other inspector, and counted and tallied, and "that the account and tally were correct in every way." Coyne was the officer who was assigned to this precinct to keep order and see that the election was conducted properly. Suppose, for argument, that when a ballot was being discussed some one took it and looked at it, would this fact invalidate a poll and be any just reason to disfranchise the electors of this precinct? We submit that this is too

trivial to be considered by this House, and yet the contestant insists that this is a serious earmark of fraud. (See Hurd v. Romeis, 49th Cong.; Carney v. Smith, 63d Cong.; Roberts v. Calvert, 98 N. C. 580.)

"Sixth. That certain Republican workers were intimidated and run away."

There is no evidence whatever of any intimidation of an inspector or a voter. Grohol himself says that he was not intimidated, and this serious offense charged to the contestee consisted in the running away of four Italian ruffians who came to the precinct from some other section of New York City by some men who were not identified as the friends of Bloom. They were doubtless police officers, but certainly this could not be chargeable to Bloom; he had no control over them. Not a voter was intimidated, and we respectfully submit that the intimidation of a voter is the only matter Congress will take cognizance of.

"Seventh. That the Democratic inspector and captain was under the influence of liquor to the extent that the freedom of election was destroyed and intimidation resulted."

The Republican inspector upon whose evidence the contestant relied to make out his case entirely in respect to fraud in the twenty-third election precinct in the eleventh assembly district—we refer to Mr. Grohol—testified that "there was much social disorder" and that the Democratic captain said "he could lick anybody in the place, and appeared to be under the influence of spirits," but the witness further testified that he, Grohol, was not intimidated. This contention, the minority respectfully submits, resolves itself in the fact that one or more witnesses testified that they "smelled liquor on Elbern and Rosenberg's breath"; and this House is asked to deprive Mr. Bloom of his seat herein because, forsooth, Chandler's witnesses smelled liquor on a man's breath. No liquor was given a voter, and no officer charged that the freedom of election was interfered with in any manner whatsoever. (See Norris v. Handley, 42d Cong.; Chaves v. Clever, 40th Cong.; Bromberg v. Harolds 44th Cong.; Harrison v. Davis, 36th Cong.)

"Eighth. That this poll should be rejected because the ballots were improperly counted."

The method of counting cast ballots is directory; any method which will ascertain the true number cast is sufficient; the count was conducted and agreed to by the representatives of both parties; the true number was tabulated, and the recount disclosed that the first count was correct; certainly the contestee can not be held responsible for the failure of the officers to do their duty properly; no fraud can possibly be attached to this dereliction of the election officers if in this instance they failed to comply strictly with the law.

"Ninth. That this poll should be rejected—the twenty-third election precinct in the eleventh assembly district—because the inspectors failed to report the 53 missing ballots."

The failure of the inspectors to report the 53 missing ballots when they made their return did not affect the result of the vote in this precinct. They reported the exact vote found in the box. We submit again that the provision of the law which required them to report the missing ballots and the unused ones was directory only and these returns can not be legally rejected for this reason. (Carney v. Smith, 63d Cong.; Gaylord v. Carey, 64th Cong.; Larrazola v. Andrews, 60th Cong.)

A party can not be held responsible for the mistakes and omissions of election officers chosen necessarily from all classes of persons. There were more than a thousand election officers who held this special election; it is not expected that none of them made any mistakes. It is sufficient that the result was not affected by such mistakes. (Barnes v. Adams, 41st Cong.)

THIRTY-FIRST ELECTION DISTRICT OF THE SEVENTEENTH ASSEMBLY DISTRICT

(a) The allegation is that this election board was illegally constituted in that Rothchilds, one of the inspectors, had been indicted in 1920, and, further, that the board was organized before one of the inspectors arrived. No question is raised as to the qualification of three of the inspectors; Rothchilds is attacked because he had been once indicted. He was never tried for any offense and never convicted. Neither under the law nor on principle was this inspector, Rothchilds, disqualified; an indictment is a mere accusation and does not stamp a man as having a bad character or disqualify him for holding an office. Rothchilds was a de jure inspector. The evidence discloses that the board was organized before anyone offered to vote, and that no one voted until all four inspectors were acting. Certainly upon this position this poll should not be rejected.

(b) The charge of electioneering in this precinct was based on the statement of a Republican worker that a Democratic captain handed out a few cigars and cards to some voters. If this is true, under the laws of New York it would only constitute a misdemeanor, and, as any fair mind would readily see, would not affect the integrity of the ballot box, because these party captains are not election officers. But this statement is flatly contradicted by three reputable witnesses and two police officers. No effort is made to connect this instance

with any effect that it had on the results of the election. Under the authority of Congress it could not vitiate a poll. (Wiggington v. Pacheco, 45th Cong.)

(c) The charge is made that one of the inspectors of election squeezed the ballot in such a way as to see how it was marked and as a result kept a private tally, thereby violating the secrecy of the ballot. The witness testifying discredits his own testimony. He states at 3 o'clock in the afternoon he was permitted to look at this tally and it showed 73 for Chandler and 40 for the Socialist candidate. The fact is that even after the recount Chandler only received 65 votes and the Socialist 14. The undisputed testimony is that the heaviest voting was in the late afternoon, and it would be preposterous to say that Chandler received no votes between 3 o'clock and 6 o'clock and the Socialist never had over 14 votes. It is foolish reasoning to say that a man bent upon the perpetration of some crooked enterprise in an election would voluntarily call and show the opposing side the very methods by which he was accomplishing his purposes. Viewing it from the most serious aspect of the contestant's charge it would have no other effect than to subject the offending official to punishment for a misdemeanor, and certainly would not vitiate the ballot. This story, however, is emphatically denied by two reputable witnesses. It is not here shown, if such an incident occurred, that it interfered with the freedom of the election or kept anyone from the polls, and therefore could not have tainted the election with fraud.

(d) The other charge that ballots were mutilated by inspectors tearing the stubs off jaggedly is equally discredited by the physical fact that the examination of the ballots on the recount disclosed that of all the ballots cast only five were held out as void in this precinct, and that not one of these five was mutilated.

(e) The intimidation charged by the contestant did not relate to the intimidation of voters, but of the Republican election officials. The two officials who it is claimed were intimidated expressly contend that they were neither threatened nor put in fear by anyone, and there were two police officers present, and that not a single complaint was made to these officers. We can not attach as much importance to the intimidation which they seek to prove in this precinct as we did to that which they sought to prove in the twenty-third of the eleventh heretofore discussed.

(f) There was a slight incorrectness in the count of the ballots in this precinct. However, no importance can be attached to this because the recount of the ballots by the contestant and contestee and their attorneys effected a correction, the purpose a recount is supposed to serve. It is disclosed that there was a great deal of wrangling between the inspectors as to whether certain ballots were good or bad, and also as to whether or not one of the inspectors called the ballots too rapidly. The result was that the two tally clerks arrived at different results. This feature of the contestant's charge has been completely remedied by the recount and, therefore, can under no circumstances vitiate this ballot. We submit that this precinct should not be thrown out.

THIRTIETH ELECTION DISTRICT OF THE SEVENTEENTH ASSEMBLY DISTRICT

It is our opinion that these grounds for contest should not be considered because they were not included in the original notice of contest. They were added in an amended notice of contest two months after the time to serve a notice of contest had expired. The statutes clearly provide that the notice of contest must be filed within 30 days after the election. The contestant served notice of contest on contestee March 3, 1923. Contestee answered and then, on May 10, 1923, he filed this amended notice of contest.

(a) and (b) Considering the merits of this particular district, however, we find that during the time the parties and their attorneys were recounting the ballots in the offices of the board of elections in down-town New York they found among the unused ballots of this district that 34 were missing. While the New York statutes require the preservation of unused ballots, yet it is self-evident that they can not and would not have the sanctity accorded to a used ballot because they serve no useful purpose. We can not say that this precinct should be thrown out because three months after the election 34 unused ballots were found to be missing. There is no testimony to show that they were missing on the day of the election or at the time the returns were made. The only time they were discovered as missing was three months after the election was over. Without a word of testimony as to when or how these ballots disappeared, or by whom they were taken or lost, the majority of the committee have indulged themselves in the conclusion that the disappearance of these ballots had something to do with tainting the poll with fraud. The disappearance of these ballots is brought no closer to this polling place than several city miles and no closer in time to the election than three months. It can with equal propriety be charged that these ballots were missing by the efforts of Chandler's supporters as to charge it to the Bloom supporters.

A weak attempt is made to establish a substitution of ballots in this district by a twist of legal procedure the sanction of which is found in the decision of no court anywhere. The contestant and two other parties seek to establish the substitution of ballots in this precinct by the impeachment of their own witness. They used an old Italian barber as a witness and sought to draw from him that he had told these other persons that he had observed one of the inspectors pocketing ballots cast. He denied making the statement or any other statement that would lead to an inference of the kind suggested. Contestant and his other two witnesses then took the stand and testified that they were told this by this Italian barber. In other words, we are asked to accept as true the unsworn statement of this barber to establish a fact which he swears himself is not true. No rule of evidence could be tortured into a construction which would render admissible this testimony as tending to establish any fact. Any irregularities in the returns in this district are of such minor importance as not to justify a discussion on our part, or they were corrected by the recount.

It is interesting to know that Robert Oppenheim, the Republican leader of the seventeenth assembly district, in which are located the thirtieth and thirty-first election districts, testified that he was at this precinct and the thirty-first several times during the day, and that he had workers and captains there all the time; that he did not see anything in the district upon this election day which warranted his belief that anything wrong was being done or any fraud being perpetrated or any irregularities taking place, and that as far as his knowledge and information were concerned such did not occur. If any fraud such as would justify the throwing out of this box were perpetrated in this assembly district, it is astounding that the party leader of the district would not know anything of it, much less not even hear of it. Following is Mr. Oppenheim's testimony on the subject:

"Q. You went around the entire assembly district, did you not, during the day?—A. Yes, sir.

"Q. Did you see anything in the district during the day of the special election which warranted your belief that anything wrong was being done?—A. No, sir.

"Q. Or any fraud being perpetrated?—A. No, sir.

"Q. Did you see any irregularities in any of the polling places that you visited?—A. No, sir.

"Q. Was your attention called to any irregularities in any of these places?—A. No, sir.

"Q. Was your attention called to any disorder in the district or anywhere?—A. No.

"Q. And was there, to your knowledge, any disorder in any of the polling places?—A. Not that I know of.

"Q. Did you have captains and workers all over the district that day?—A. Yes, sir.

"Q. And were they covering each and every one of the polling places?—A. Yes, sir.

"Q. Did you have watchers in each of the polling places during the count?—A. Yes, sir.

"Q. To your knowledge, there was no fraud perpetrated anywhere within that assembly district?—A. Not that I know of." (Rec. pp. 769-770)

Upon a legal canvass of the votes cast at this special election in the nineteenth congressional district in the State of New York, the contestee, Sol Bloom, received a plurality of 191 votes over the contestant; upon a recount of said votes upon conceded lawful votes, votes agreed by both parties to be in all respects legal votes, the contestee had a plurality of 126; the election committee increased this plurality upon thorough investigation to 153 and then reduced this 8 votes, leaving a net plurality for the contestee of 145.

To overcome this majority of 145 votes, which contestee has over the contestant, the committee rejects the votes cast in the twenty-third election precinct of the eleventh assembly district, and the votes cast in the thirtieth and thirty-first election precincts of the seventeenth assembly district. These three precincts had given Bloom 369 more votes than Chandler had received in said districts, and in this manner declared Chandler elected.

I trust, gentlemen, that the integrity of the upright shall guide us in the determination of this important matter, and that we will be just and fair and thereby make a record which shall meet the approbation of our conscience and will reflect credit upon our history, and that shall "render unto Caesar the things that are Caesar's and unto God the things that are God's." [Applause.]

Mr. ELLIOTT. Mr. Speaker, I yield to the gentleman from Nebraska [Mr. SEARS] 10 minutes.

Mr. SEARS of Nebraska. Mr. Speaker and gentlemen of the House, I feel a little bit of embarrassment in talking to you on the subject of the integrity of the members of the

committee. I would not think of raising the question of the integrity of the three men who are in the minority. I have no thought at this time, and have had none, of questioning their integrity. There has been no moment since I was appointed to the committee when I could question the integrity of those who were on the committee with me. I hope the time will come when we will never invoke political consideration in settling such cases as this. I am conscious of the fact that I would decide a case against Mr. Chandler as quick as I would for him, or for Mr. Bloom as quick as I would against him, if I thought the evidence pointed that way; otherwise than that we are violating our oaths as Members.

I have had some experience in judicial proceedings, but up to the present time I have never decided a case because a litigant was a friend of mine, or against him because he was an enemy of mine. So it hurts my feelings to have the gentleman from Wisconsin [Mr. NELSON] and my friend who has just spoken [Mr. KERR] say things that militate against the membership of our committee. I know, and you all know, that there is enough of personal political pull that is possible to realize on in some environments, where we can find refuge if we unintentionally go wrong.

I have tried some cases, as a lawyer and otherwise, in which election results were the issue. I never knew as much concentrated fraud in any election in my life as I found in this one, my friends. [Applause.] From my own standpoint looking back over the evidence—and I have not got it so readily in my grasp now as I had it at the close of the hearings a few months ago—from my standpoint, this not being a general election but an election in which two men were pitted against each other, the things that happened were the most fraudulent I ever knew.

So where are we? In this election we had judges of election in one place who had a lot of ballots down in front of them. You know how they are put down in front of the election judges in every State in the Union. There were a lot of ballots taken out below the middle of the pile in charge of the election officers. Why was that done? It violated the law of the State and every one of you will say that it was done against the integrity of election by some one who was trying to rape the election. It takes no evidence to prove otherwise, and you know it.

In another precinct we find several months afterwards in counting for the first time the same thing done there. Those first ones found in the back room had the name of Bloom on them. I charge in the second precinct that they were taken out from about the same place—and all members of the committee will back me up, both of the majority and the minority—and they were taken out the same way and for the same purpose. That was done for the purpose of raping that election in those two precincts.

My friend just said in the glory and plenitude of his imagination that there was not anything worth talking about in this election. Now, you have got 10 ballots that you saw here, mute signs that speak loudly of the lack of integrity of what happened in that voting precinct.

The ballots were given to the voter, the ballots were marked by the voter, the ballots were taken by the voter and given to the judge of the election. You saw 10 of these in which the cross opposite Chandler's name was rubbed out with more care than any man ever rubbed out a ballot where his mark was made in the wrong place—all 10 were alike and the crosses above were exactly alike. That was done, my friends, to help the contestee in that precinct.

At another time in another place were four men who were sent there as workers for Mr. Chandler. Before I forget it, let me say that in all the testimony that appeared, in all the arguments that were made, not one word was said against Mr. Chandler's campaign. Apparently he was the same high-minded man as you know him here—not one thing was ever said against any worker of his or anyone who had anything to do with the machinery of the election that you could charge up to him. He had four workers who came there to work for him. They were run out by roughnecks. When the ballots were found in the back room and were brought in in came more roughnecks.

They got the ballots and disappeared because they were afraid that something would become known as to their part in it or some one's part that they were sent there to protect. One woman who was an officer of election, on account of what she regarded as frauds and outrages on that day, refused to sign the report and never did sign it. I could go over this thing time after time and point out dozens of instances such as that, and they all show that in some of these precincts there was a well-defined and well-carried-out plan to defeat Mr.

Chandler by fraud. I was not necessarily in favor of throwing out any precinct by itself. I would have said in the face of this evidence that we have that Mr. Bloom can not hold his seat, because his people have deprived more people of votes than his majority amounts to. It is in the record that one woman said, and you know a great many will probably say the same, that some of the Chandler voters were not out to vote because of the rough practices going on in that election. You would expect that to have been said. Practical ward politicians of New York were busy, and they were bound to carry that election, and they did carry it, through fraud, in my opinion.

The SPEAKER pro tempore. The time of the gentleman from Nebraska has expired.

Mr. WILLIAMS of Texas. Mr. Speaker, I yield 25 minutes to the gentleman from Arkansas [Mr. RAGON].

Mr. RAGON. Mr. Speaker, as I am so pressed for time, I shall ask to be not interrupted. I want to say a word here in justification really of myself, because some suggestion has been made here with reference to the act of the majority and the minority of the committee. I say to you frankly that whenever I act on an election committee as a Democrat or a Republican that minute I am going to get off that committee, and I believe I can say as much for the rest of us. If my partisanship in the matter is in question anywhere, I would not want a better witness than the gentleman who sits on the Republican side, the gentleman from Illinois [Mr. MILLER], because the minority members on the committee made a motion, and seconded it themselves, to dismiss all charges of fraud against him, even when they were filed by the chairman of the caucus of the Democratic Party. I have not any patience with any charge of partisanship; I do not care where it comes from or from which side. I am not bridle-wise as yet, and I do not know more than 25 Members on either side. I may, through some process I do not know anything about, in the future act in that attitude, but I certainly am free from it now.

I want to discuss this matter more in detail than the other gentlemen have seen fit to do. I shall take up the majority report. In that report the committee says, in adopting the notice of contest that was filed by the contestant here, that the charges in the contest might be summarized under three heads. The first was that if the contestant was permitted to go into the ballots he could show on a recount ballots sufficient to show that he had a majority. Under that charge the contestant in this case said something that was susceptible of proof by concrete, tangible, and, you might say, physical facts, because you could go into the ballot box and count the ballots. This was done under the close scrutiny of the contestant and the contestee. It was not only done under their scrutiny but it was likewise done under the scrutiny of their trained lawyers. It was not only done under the scrutiny of the contestant and the contestee and their attorneys but likewise under the close scrutiny of helpers on both sides; and what was the result?

After they had gone through every ballot of the 36,000 received, they returned a majority in favor of Sol Bloom of 126 votes. Our committee increased that majority, and in effect they said to Mr. Chandler, "Upon this concrete evidence, upon these physical facts, you went too far, and we are going to reinstate Sol Bloom because he had a majority of votes actually counted of 153." They have deducted 8 from that, and that makes 145.

What was the next charge? The next charge was to the effect that if all of the illegal votes in this election were thrown out, Mr. Chandler would receive a majority of the votes, and what does that mean? That is susceptible of proof, of tangible proof, of concrete proof, that could be established by physical facts, by simply going into the ballot boxes and determining the illegal votes. What was the result of that? The result of that was that although Mr. Chandler had two men from the Department of Justice working for him through seven months of taking testimony, they discovered only 32 illegal votes. Gentlemen, before you cast your vote in this contest you would better stop and take counsel of your conscience, before going into the wild field of speculation and suspicion, as you do when he asks you to sustain his charge of fraud. Having fallen down in that, what does he do? He then asks you to take an excursion with him into the broad field of speculation and suspicion, which we commonly call fraud. And what attitude do we find ourselves in to-day? We are in the attitude of sitting as a court of equity, exercising equity jurisdiction, in an endeavor to establish whether there was or was not fraud in this election. First, I take up the thirty-first election district. The gentleman who preceded me, Judge SEARS, says that you must take everything into consideration that occurred in these election districts. Very well, let

us hurriedly do that. You have here first the charge that a man named Rothchilds had been indicted for election frauds in 1920, while he was serving in the interest of a Republican candidate for the assembly in the State of New York. That is what they charge against him, and they ask you to say that there was fraud practiced there because that board was not legally constituted, because Rothchilds was on it. I have read the New York statutes here to-day and I know law, and I say that the law of New York bars a man only on conviction of felony, so far as any criminal charges are concerned, but they say he is a criminal and they refer to him as a fugitive from justice, and that, therefore, he is not a man of good character, which the law of New York says he must be before he can serve.

Now, I am going to show to you colleagues the attorneys on this side, and especially to my friend SEARS, the proof exactly upon this point. A fellow by the name of Schloss took an affidavit, and he went down to the clerk of the criminal court, I judge, and got out an indictment. He made an affidavit which appears in the indictment papers, and now they come and ask you to condemn this man on account of fraud because he was indicted, and say he was guilty of fraud as appears in the indictment. It is a mere accusation, and you all know it. It is wrong, it is unjust, and it is done, gentlemen, in order to becloud and muddy the waters so that you can not see the real issue. Let us get at the issue and see if this is not correct. They say that the election board did not legally organize. The chairman of the board was elected before Mrs. Levinson reached the election precinct, that she came on at 8 minutes to 6 o'clock in the morning, and the law of New York says they must be there 30 minutes before the polls open. They say that because she did not get there until 8 minutes of 6 to help organize the board it was not legally organized. This constitutes no fraud upon which you can throw out ballots. As to the violation of the secrecy of ballots: Now, here is a fellow by the name of Goldsmith, and he says a tally was kept there showing whether votes were cast for Bloom or Chandler or for a Socialist by the name, I believe, of Zausner. Now, look at that for a moment. We are going into details now. The gentleman from Nebraska [Mr. SEARS] and Mr. FREDERICKS generalize in the way of argument. They have not come up and introduced the testimony in this case; they do not dare do it, and they can not be sustained upon it. Let us look at that evidence. Now, this fellow Goldsmith, and I want to say now in answer to Judge SEARS, who said no imputation was made against Chandler's friends, that Mr. Chandler made an unfortunate attack upon William Moore, Republican captain. When speaking of his own captain he said he was crooked and had sold out, and yet he had been a Republican captain for 25 years. Now, let us look at Goldsmith. Now, he says there was 73 ballots at 3 o'clock in the box for Chandler; that there were 40 ballots in that box for the Socialist candidate, Zausner; that there were so many for Bloom he could not count them. That looks very bad on its face. Let us look at it in the light of truth, not by what some fellow has done, but what the facts in the case are. What are the facts? Gentlemen, Chandler never received but 65 votes in the entire district; the Socialist never received but 19, and Bloom received the remainder of the votes.

That is what your committee in the Congress found; that is what the inspectors of election found; that is what the certifying board of the State of New York found. Now, gentlemen, what are the facts? Who is the Republican captain of the thirty-first district? Let us see. Here he is coming in swearing solemnly, when the result of his testimony, if true, meant the disfranchisement of 36,000 American voters in one of the greatest cities on the face of the earth. He cast caution to the wind, and did it purposely. That gentleman was called upon the witness stand, and here is what happens. This is on cross-examination now, and I read it to you:

Q. So that since the night of the election and right up to this time you never discussed this testimony with anybody?—A. No, sir; with nobody.

Q. Never told anybody what you knew about it?—A. No; never did.

Q. Never made any statement?—A. No.

Q. Never signed any statement?—A. Lately?

Q. Any time since the election?—A. What do you mean statement, for what?

Q. Did you at any time make any statement, either verbally or in writing, as to the facts that you have testified to here?—A. Made no statement; no writing.

Q. I show you a paper. Is this your signature?—A. Yes; that is my signature.

Q. Did you sign this paper?—A. That is my signature. That is why I signed it; signed by me.

Q. Did you swear to it?—A. Yes, sir; I certainly did.

Q. Before whom?—A. A notary public there.

Q. What notary public?—A. I don't exactly know his name.

Q. Sure about that?—A. Sure about it.

Q. Do you know Mr. Robert Oppenheim, the leader of your club and district?—A. Certainly I do.

Q. You know him?—A. Certainly.

Q. You have known him for a good many years?—A. Yes, sir.

Q. He is Republican leader of the seventeenth assembly district?—A. Yes, sir.

Q. And he is at the head of your club; is that right?—A. Yes, sir.

Q. How long do you know Mr. Oppenheim?—A. About five years.

Q. Will you look and see if you didn't swear to this affidavit before Mr. Oppenheim; yes or no?—A. (After examining). Right.

Q. It is right?—A. Yes, sir.

Q. So you did know the man before whom you swore to this affidavit, didn't you?—A. Certainly.

Q. Why did you testify a few moments ago that you didn't know the notary before whom you swore to this affidavit?—A. What has this got to do with this here?

That was his answer.

Q. Answer my question. Why did you testify that you didn't know Mr. Oppenheim a few moments ago?—A. I can't answer that question. Whatever is there is right; that is all—

Who is that talking? That is the man upon whose testimony contestant predicates the charge of fraud, because no election officials will sustain it in this district; that is the man upon whose testimony he predicates the charge of fraud, testifying to you, the same identical man that said the Socialist had 40 votes at 3 o'clock, when he only had 14 and eventually received 19; that is the same man who swears that Chandler had 73 at 3 o'clock, and the facts were he had but 62, and upon a recount the number was 65. That is the very man upon whose testimony you are asked here to throw out the thirty-first election district. Is that all about this fellow? No, gentlemen; the lawyers here will bear me out as to whether or not I have the proper conception of the ethics of the profession when I say that in a dozen places in this record the attorneys, where they had these little Fridays and underlings hanging around, a political boss like Goldsmith, the proper practice was not followed in excluding witnesses from the court room. Any lawyer would ask that all the other witnesses be excluded from the court room. The commissioner did not have that authority. Yet Goldsmith coached the witnesses there, and coached Mrs. Levinson, until finally Goldsmith was told by the commissioner to get out of the room. If they had a good case, why was it necessary for this man, the political boss of that district, to coach a witness on the stand? An officer without proper authority had to kick him out of the room.

Now, gentlemen, there is something about torn ballots there. They said they tore the ballots for this reason: To see that those to whom they paid money to vote, voted right. There is not a single line about bribery here. There were only five void votes in this district, and not a single, solitary one of those votes was coerced in any way. Then, on the recount, they discovered that in tearing the votes, only 25 or 30 of them had been torn jaggedly, and the man who was clerk of the election board said that that might have occurred through rapidly tearing them.

But, gentlemen, I must hasten on. The next point I want to call your attention to is the great bugaboo they make here about this man Rothchilds, although he had served in every election since 1920 as inspector and branded by contestant as a fugitive from justice. Yet there, in the most prominent place in the city of New York, holding an election. When you analyze the characters of the witnesses and of Goldsmith to sustain the contention of the contestant, you will see there is absolutely nothing in this case at all except the ambition of one man to vault over intervening difficulties to the heights of a lofty ambition, and it is shown that he will resort to anything in order to do it.

There was a discrepancy in that district. Mrs. Levinson claims that the man called the ballots too fast. There was a Republican captain sitting there and a Democratic captain, and there were two Democratic watchers there and two Republican watchers. Mrs. Levinson had as her attorney, Goldsmith, according to Greenburg, the man who told her not to sign the certificate at the last. That was this man Goldstein. She said they counted the ballots too fast, and that she was not given an opportunity to see them.

If you want to get the correct idea as to that, take the testimony of this officer Frey, the policeman there. You will hear a great deal about Tammany in the argument to come on, and

about Tammany policemen, but you should remember that Officer Frey is not in Tammany. He is in Astoria, Long Island. That is what the record shows, if I remember aright. The record does not show whether he is in Tammany or not. I read this testimony and—

Mr. CHANDLER. I do not want to interrupt the gentleman, because I do not want to be interrupted when my time comes to speak. But the gentleman is mistaken. Coyne is from Astoria, and Frey is not.

Mr. RAGON. It suits the gentleman anyway from New York to uphold a witness when he is in his favor and to condemn him when he is against him.

I read from the testimony:

Q. Now, Mr. Frey, did you see any of the captains or workers in the polling place hand out any Bloom cards or Bloom literature?—A. No; I didn't.

Q. Was your attention called to any violation of the law in that respect?—A. My attention was called at one time, I believe—I do not know who it was—to some one standing outside the door. I was inside; my place called for me being in the polling place. I believe one of the Republicans—I do not know who it was, whether it was a Republican—called my attention that there was somebody outside there handing out placards. I went outside, and when I came outside I saw a man there, and I said, "What are you doing here? Not soliciting are you?" And he said, "No." And I said, "Put those cards away." I warned him that time when it was called to my attention. This was out on the sidewalk.

Q. As soon as your attention was called to it you immediately ordered him away?—A. Yes, sir.

Q. Was there any repetition of that at any time after that?—A. No; there was not.

Q. And your attention was not called to any other persons at any time handing out any literature?—A. No.

This man covers every irregularity, gentlemen. This is not Goldsmith testifying, the political boss of that district. No; this is an officer of the law. My friend from California [Mr. FREDERICKS] said there was more criminality in this election than he ever heard of, and that as an American citizen, inspired by high ideals of American citizenship—and I thought he was going to say marching under the American flag—we ought to unseat Bloom and correct the morals of the great city of New York.

But, gentlemen, listen: For seven long months they took testimony, and two Department of Justice men sat there and heard it. If you will prosecute the guilty in this country you will stop crime; but there has not been a single information filed nor an arrest made of alleged wrongdoers in this case. The gentleman tries to befuddle the minds and mentality of you men who are not partisans on this side and take this seat away from the man to whom it belongs and give it to another. This officer who relieved Frey was Officer Horan, and he was asked:

Q. Did you see any electioneering going on in the polling place during the time you were there?—A. No.

Q. Did you see or was your attention called to any electioneering going on outside the polling place within the prohibited area of 100 feet?—A. No, sir.

Oh, the gentleman said Greenburg handed out cigars with one hand and Bloom's cards with the other. The record does not bear the gentleman out. He ought not to have made that kind of an assertion. I say this witness is one of the most colossal liars that ever appeared on the witness stand.

Mr. MILLS. The gentleman does not deny it is in the record, does he?

Mr. RAGON. Yes; I deny it is in the record from a reputable witness.

Mr. MILLS. Then the gentleman qualifies it.

Mr. RAGON. Oh, listen. I want to say to you that that little post-office clerk was there—who got into office somehow or other, I do not know how—and referred to Goldsmith as "my chief" and "my boss." He said he was standing in line and saw him hand out cigars to three or four men ahead of him. That man is a fellow with a good many friends in the district; he is a reputable business man, which is undisputed in the record. And, gentlemen, what does he say? He said, "I handed out cigars to my friends; I did it out on the street, but I did not do it in the polling place." Mrs. Levinson, the Republican, said she did not see it. I believe she does not mention anything about that particular feature, and neither does Taube and neither of the election inspectors upon the Democratic side.

There was a discrepancy resulting in the vote. I do not know whether it resulted from the man calling too fast or not.

This policeman says he did not and others say he did not, and the Republican inspectors say he did not. But let us see what the policeman says.

The SPEAKER. The time of the gentleman has expired.

Mr. RAGON. I must have five minutes more.

Mr. WILLIAMS of Texas. I yield the gentleman five additional minutes.

The SPEAKER. The gentleman is recognized for five additional minutes.

Mr. RAGON (reading)—

What time did you get there with the ballots; what time did you get through with the counting?—A. I should judge an hour and a half to two hours after the polls were closed.

Q. Was there any disorder there after the polls were closed; any threat by anybody to punch somebody else in the nose?—A. Not that I know of.

Q. You did not hear that?—A. No.

Q. Wasn't there a row there shortly afterwards?—A. I wouldn't call it a row.

Q. What was it?—A. A few words passed among one another; that is all.

Q. What were the words?—A. General election discussion, as you find in an election—just words, that is all; nothing to come to blows, or anything like that—just arguments, that is all.

Now, the policeman says somewhere, gentlemen—but I have not the time to find it—that sometimes you will find a captain who will call too fast and some who will not call fast enough, and therefore, he did not think, in his opinion, that the man called them too fast. But there was a discrepancy.

Mr. MILLS. Will the gentleman yield?

Mr. RAGON. I prefer not to yield, but I will.

Mr. MILLS. The gentleman has explained so much, will he take a minute of his time to explain about those 10 exhibits?

Mr. RAGON. I will; and I will say to the gentleman that if he will approach the matter without any passion or prejudice I will convince him that he is wrong. [Applause.] I intended to get to those ballots later but I will take them up now.

Gentlemen, there was a discrepancy there of some 7 or 8 votes, a difference between 26 and 17—9 votes. That discrepancy, as I said awhile ago, might have been caused through his calling too fast or might have been caused by the way the tally clerks tallied the votes. The tally clerks here did not call the tally after every 5 votes but waited until they got 50 votes, and I do not have to explain or argue to you gentlemen that a mistake of a vote or two might have occurred because of the way the tally clerks tallied.

Now, I am going to explain these ballots to the gentleman from New York [Mr. MILLS]. I ask the gentleman from New York to come down here and find a single ballot on which the "X" in front of Chandler's name has been erased so you can not see it. What do I mean by that? They say you have people here who wanted to steal this election, and they were so crooked that they would rub out a vote. I want to say to you gentlemen that a man who could do that without its being noticed would be a very slick fellow. If he wanted to do that, what would he do? He would erase every bit of the mark; he would erase the "X's" he did not want upon that ballot, would he not? I ask you to look at these ballots. There is an "X" plainly marked in front of the name of Bloom, and then there is very plainly an "X" for Chandler, though it has been erased or rubbed off. Do you think a crook who was going to erase that would leave a mark there so you could see it?

Let us look a little further. Under the New York law you can mark that ballot in any way you want, and that voids it; you can tear it, and then you can not count it. Is a crooked election inspector going to the trouble to erase an "X" in front of Chandler's name when he could simply take his pencil and at one stroke absolutely nullify that ballot?

But I must hasten on. I now want to call your attention to a case which happened in Michigan, the case of Carney against Smith. That case was determined by an election committee which had six Democrats on it and three Republicans. The distinguished gentleman from Wisconsin [Mr. FREAR], I think, was a member, and I think the gentleman from Idaho [Mr. FRENCH]—a gentleman who, perhaps, is here now—was on that committee; and Walter M. Chandler was a member of that committee. The gentleman from Georgia [Mr. CRISP] was another member of the committee.

What did they find there? They found a discrepancy. They found in one precinct—the name of which I have forgotten—that the Republican, Smith, was given 83 votes and the Democrat, Carney, was given 82 votes. They had to have a canvass in a contest, and what happened when they had that canvass? It showed that Carney got 100 votes and that Smith

got only 90 votes. And yet the distinguished gentleman, Mr. Chandler, sitting upon that committee, held at that time that that was all right. He further held, gentlemen, that "ignorance, inadvertence, and even wrongful conduct upon the part of election officials was no ground or justification for throwing out the votes of an entire precinct."

Mr. CRISP. That was a unanimous report, was it not?

Mr. RAGON. Yes. There is another point about these 10 ballots. They complain about ignorance on the part of some of the voters, but when that ignorance happens to favor Chandler they count the votes. But what did they do about the 578 votes cast for Sol Bloom, where the voters, through ignorance, put a mark to the right of Bloom's name when they intended to put it on the left?

The SPEAKER. The time of the gentleman has again expired.

Mr. RAGON. May I have two minutes more?

Mr. WILLIAMS of Texas. I yield the gentleman one more minute.

The SPEAKER. The gentleman is recognized for one additional minute.

Mr. RAGON. Gentlemen, the thirtieth district is where they claim there were 34 ballots missing. When they had the recount they learned of the 34 missing ballots, and the testimony was that six months after the election, on July 30, after this election of January 30, this fellow Goldsmith walked into the shop of an illiterate Italian barber, and that old fellow was about to be thrown out of his house for the nonpayment of rent. This fellow Goldsmith said:

If you will help me, I will help you.

Then Goldsmith asked him about what happened there and he said he saw the substitution of ballots. Goldsmith then went to Goldman, Department of Justice man, brought him around to the old Italian. Goldman then procured Chandler to go around. They brought the old barber on the stand. He swore he never told any one of the three of seeing ballots substituted. Then these three, Goldsmith, Goldman, and Chandler, took the stand to impeach him. They ask you to take the unsworn statement of Vucci for the truth when he, under oath, states that the reverse is true. No lawyer of any respectability would say this could be done. It would be nothing of a higher dignity than mere hearsay testimony. Such a contention is a mammoth sham and a colossal fake. Gentlemen, the facts are that this old gentleman was not there except between 6 and 8.30 in the morning and was not there again until 5.30 in the afternoon, and yet they bring him on the witness stand and under him claim their charge is sustained. [Prolonged applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIAMS of Texas. Mr. Speaker, I yield myself four minutes.

Mr. Speaker and gentlemen of the House, I have given most of my time away. I say to you that if you will study this record unbiased—and you should do that, because a man who is not big enough to be above party vote or a party whip or above party lines when he votes to seat or unseat a Member of this honorable body should never have been elected a Member of this body [applause], and that applies to this side of the House as well as to that side of the House.

The returns of this election showed that the contestee was elected by 191 votes. This committee says he is elected by 145 votes. The contestant claims that there was switched by locus pocus 36 ballots for Bloom that should have been for the contestant. I do not agree that the record shows that, but assume that it does. Take them off of the contestee and put them on the contestant. There were 34 ballots that were found in May with no sanctity to them, unused ballots with a string around them. Take those off of the contestee and give them to the contestant. The returns then show that Mr. Bloom, the contestee, is elected a Member of this House. The only way in the world that you can unseat him is to throw the record to the winds, take the party bit in your mouth and run away; and men, let us never reach that stage. I do not know how long I will be in Congress, but I say to you that I will never reach the time when I will vote for a man on this side unless the facts back me up and I know that I am honest in my vote. [Applause.] Men, this is common honesty, this is common decency, this is the justice that one man of this House owes to another. Think about what the situation would be if your seat were contested. Would you read the testimony? Yes; you would, and you would want an honest, a sincere vote when it came. I have the highest opinion and the highest regard for every member of this committee. There is nothing personal with me in this matter, and I say to you that if you would reverse it and

put the contestant in the place of the contestee I would be just as strong and just as honest for him as I am for the man who was elected a Member of this House.

Men, do not forget there will be other contests. You have enough to apologize for to the people of this country. Do not add another thing that will come back, and it will come back just as certain as night follows day. Unseat a man on party lines, and the people of that district will resent it. Let the contestant go back to the district and see what the people who voted for him on the 30th of January say. That is the place to take his appeal. The gentleman from California [Mr. FREDERICKS] is an honorable gentleman, and the gentleman asked if we had reached the time when we would let ballots be stolen. Men, I have studied the record, and I have read every word of the briefs on both sides and have gotten all the information possible, and I am standing here to-day pleading and begging with you, as honest men, not to steal an election from the man that the electorate of the nineteenth district of New York gave a commission to to represent them in this House. [Applause.] Every one of you men stood here with your hands raised and swore that you would abide by and support the Constitution. The Constitution says that the electorate of a district shall select its Representative. The electorate of the nineteenth district of New York selected the contestee, and the contestant knows it. Yes; you do. You are too keen. You want this seat. I say to you men, be honest and cast your vote so that you yourselves can keep your self-respect. [Applause.]

Mr. Speaker, I yield five minutes to the contestee, Mr. Bloom.

Mr. BLOOM. Mr. Speaker, gentlemen of the House, and Mrs. NOLAN, I have only a few minutes, and at the outset I want to say one thing. If I thought for one minute that I was not entitled to my seat in this House, I would break all speed records getting out of that door. [Laughter and applause.] I have examined every bit of evidence. I have sat through this case and have read every part of it, and it is the most elaborately inconsistent thing I have ever read. There is no doubt, gentlemen, in my mind that I was elected honestly, and have been elected three times, and you are going to elect me the fourth time to-day, and there can not be any doubt about it. [Applause.]

Now, I have got to be quick. Here are the ballots, gentlemen. Here are 450 ballots. They claim that in the presence of eight men, and a policeman, and maybe two, that some one came in and took 40 or 50 of these ballots and put them in his pocket and went into a back room. Now, there are the ballots, and this is the way they would have to do that.

I want to tell you something else quick. You would think I was a rapid-fire salesman. These ballots are all marked and numbered from 1 to 450. When we examined these ballots and examined the stub box there were the same amount of stubs in this box as there were ballots, and every one checked off consecutively from No. 1 right through to the end, and there was not a single ballot in that box that did not belong there. They say that by sleight of hand they took these ballots and they dropped them between these boxes, with eight men watching. This is the ballot box and this is the way that the ballot goes in [indicating].

They tear this stub off, and then the ballot goes in this box and the stub in here, and then they are checked off.

A MEMBER. And 10 men were present?

Mr. BLOOM. Ten men and the policeman. [Laughter.] They say that through some sleight of hand, as the gentleman from California says, some one took them out and put them in his pocket and then took another from the pile. Now, they would have to take 54 of them and put them in their pockets. I want to say to gentlemen of the House that that can not be done. Now, I want to tell you something. I am not talking for my seat. I have lived in New York 20 years. I have my wife and family. You might be able to steal one seat and you might be able to steal another, but you have no right to steal my seat. I want to tell you that in this entire election from the beginning to the end there has not been one single complaint made to any police officer or to any department or to the bipartisan board of elections. No one complained until Mr. Chandler saw that he was defeated and then he made a complaint.

I have not the time to read what Mr. Chandler's leader said, but here it is. He was asked if he saw anything in the district during the day that warranted the belief that there was any irregularity and he said no—if he saw anything wrong and he said no. He was asked if any irregularity or anything wrong was called to his attention and he said no. He was asked if there was to his knowledge any disorder and he said no.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. CHANDLER. Mr. Speaker, I ask unanimous consent that the gentleman have two minutes more?

Mr. BLOOM. I thank the gentleman, I will do as much for him some time. [Laughter.]

The SPEAKER. The time has been set by the House and is in control of the gentleman from Texas and the gentleman from Indiana.

Mr. BLOOM. Well, gentlemen, I thank you, I will leave it in your hands. [Applause.]

Mr. ELLIOTT. Mr. Speaker, I yield the balance of my time to Mr. Chandler, the contestant.

Mr. CHANDLER. Mr. Speaker and gentlemen of the House, the Elections Committee No. 3 has recommended to the House that Sol Bloom be unseated and that I, as contestant in this proceeding, be seated as Representative from the nineteenth congressional district of New York.

This committee has asked the House to reject the polls of the twenty-third election district of the eleventh assembly district and the thirtieth and thirty-first election districts of the seventeenth assembly district of the nineteenth congressional district of New York on account of irregularities, frauds, and crimes committed in these precincts at the special election. The rejection of the polls of these districts will give me a majority of 224 votes.

In their majority report the committee declare that:

In the twenty-third election district of the eleventh assembly district and in the thirtieth and thirty-first election districts of the seventeenth assembly district there was such an utter, complete, and reckless disregard of the provisions of the election laws of the State of New York, involving the essentials of a valid election, and the returns of the election boards therein are so badly tainted with fraud that the truth is not deducible therefrom, and that it can be fairly said that there was no legal election held in the said election districts.

Rejecting polls of election districts has been a standard method of determining election results in Congress for nearly 100 years under all party administrations, Whig, Democratic, and Republican. The wisdom and justice of this method can not, therefore, be reasonably questioned without challenging the judgment and the experience of all parties during nearly all the years of our national life.

The legal classic upon the subject of rejecting polls in congressional election contests is the case of *Reid v. Julian* (41st Cong., II Bart. 813), in which the following language was used:

The entire poll should always be rejected for one of the three following reasons:

- (1) Want of authority in the election board.
- (2) Fraud in conducting the election.
- (3) Such irregularities or misconduct as render the result uncertain.

Applying the rule laid down in this case, the Elections Committee have found that in certain districts the board of inspectors acted without authority, and that in all the precincts named there was fraud in conducting the election, as well as irregularities and misconduct of election officers so great as to render the result uncertain.

In framing the majority report the majority members of the committee have stated specifically the grounds upon which they have recommended the rejection of the polls of the twenty-third election district of the eleventh assembly district, and of the thirtieth and thirty-first election districts of the seventeenth assembly district. They have declared that—

1. The poll of the twenty-third election district of the eleventh assembly district should be rejected for the following reasons:

- (a) The board of inspectors of said election district was illegally constituted and organized and was, therefore, without authority to act.
- (b) In this election district 53 ballots were stolen from the pile of unused or unvoted ballots, and a large majority of them were undoubtedly voted for the contestee, Sol Bloom, by what is called shifting or substitution of ballots.
- (c) In this election district the record discloses that illegal voting by repeaters and other illegal voters took place on a large scale.
- (d) Electioneering within the polling place and within the prohibited limit of 100 feet by means of banners and pictures of Bloom, the contestee, and by personal solicitation of his workers, including the Democratic election inspectors themselves, was carried on in this election district in violation of the election laws of New York.
- (e) Unsworn persons, other than election officers, were permitted to handle the official ballots both during the day and at the count and canvass of the ballots at night, in violation of the election laws of New York.
- (f) There was intimidation of Republican workers, who were compelled to leave the election district when most needed in the afternoon of election day by organized bands of ruffians, evidently friends of

the contestee herein, who threatened the said Republican workers with fractured skulls and with death if they failed to leave the district at once.

(g) Drunkenness and boisterous conduct characterized the actions of the Democratic chairman of the board of inspectors and the Democratic captain to such an extent that the freedom of the election in that district was destroyed, that intimidation resulted, that scandal disgraced the entire proceedings, and that the election results and returns were rendered unreliable thereby.

(h) The method of counting the votes and the preparation of the tally sheets after the close of the polls in this election district were in flagrant violation of the election laws of New York providing for a true count and an accurate return of votes cast.

(i) The election returns from this particular election district as filed with the board of elections of New York City and with the county clerk of New York County were evidently deliberately false returns, for although the election inspectors knew at noon of election day that 53 ballots had been stolen from the pile of unvoted ballots and had not been recovered they failed to report them as missing ballots in their election returns, but, on the contrary, reported the full number of unvoted ballots.

Under the precedents of Congress, contestant respectfully submits to the House that any one of the nine reasons mentioned by the committee, when coupled with proof of fraud in the conduct of the election or in the canvass and return of votes, would be sufficient to cause the rejection of the poll of the twenty-third election district of the eleventh assembly district. When taken together they form an unanswerable argument for such rejection.

Again, the majority report declares that—

2. The poll of the thirtieth election district of the seventeenth assembly district should be rejected for the following reasons:

- (a) Because 34 ballots were stolen from the pile of unused or unvoted ballots and were voted for Sol Bloom, contestee, by what is known as shifting or substitution of ballots.
- (b) Because there was a deliberately false and fraudulent return of votes by the board of inspectors of this election district.

Contestant again respectfully submits that on the authority of *Reid v. Julian*, heretofore cited, either one of the reasons assigned by the committee is amply sufficient to cause the rejection of the poll of this particular election district. Taken together the two reasons form an impregnable argument in favor of such rejection.

Finally, the committee in their majority report have recommended that—

3. The poll of the thirty-first election district of the seventeenth assembly district should be rejected for the following reasons:

- (a) Because the board of inspectors of said election district was illegally constituted and organized, and was therefore without authority to act.
- (b) Because there was electioneering within the polling place and within the prohibited limit of 100 feet, in said election district, by means of banners and pictures of Bloom, the contestee, and by personal solicitation of his workers in violation of the election laws of New York.
- (c) Because the secrecy of the ballot was openly violated, in said election district, by the Democratic election officers in violation of the election laws of New York.
- (d) Because the Democratic inspectors of election deliberately tore, erased, and mutilated many ballots, thus violating the secrecy of the ballot and furnishing proof of a criminal conspiracy to corrupt voters, in violation of both the civil and criminal election laws of New York.
- (e) Because such methods of intimidation were employed by the Democratic election officers and workers, in said election district, that the Republican officers and workers were prevented from properly performing their official duties, thus destroying freedom of official action and rendering unreliable the election returns from said district.
- (f) Because the canvass of the ballots and the preparation of the tally sheets were in flagrant violation of the election laws of New York.

Again, as in the case of the twenty-third election district of the eleventh assembly district, and in the case of the thirtieth election district of the seventeenth assembly district, contestant respectfully submits that any one of the above reasons assigned by the committee is sufficient to cause the rejection of the poll of an election district, especially where fraud and crime are clearly shown to have been practiced by election officers. Taken together the six reasons mentioned by the committee necessitate inevitably the rejection of the poll of the thirty-first election district of the seventeenth assembly district.

After a most careful and painstaking investigation of the record in the case, numbering more than 1,000 pages of closely printed matter, after a close examination of the briefs of both

the contestant and the contestee, and after numerous hearings at which both the contestant and the contestee were heard personally and by attorney, a large majority of the committee, six out of nine, recommended that Bloom be unseated and that I be seated for the reasons stated in the majority report and just read by me.

I wish now to ask the indulgence of the House while I discuss the facts of this case and the election laws, State and Federal, that are applicable to the facts. I want to prove to the satisfaction of every open-minded Member of the House that the findings and recommendations of the committee are entirely justified by the facts of the case, as developed in the record, and by the laws and precedents of Congress governing election contests.

Strange to say, gentlemen of the House, there is little dispute about the main facts in issue. They are conceded in most points by the minority members of the committee who, while admitting them, seek to deride them as of no consequence or effect. In this connection, I shall be able to show to you that the facts admitted by them are defined as crimes, either misdemeanor or felony, by the Penal Code of New York. It will be for you then to decide whether a crime committed by an election officer is a matter of gravity, or something to be flippantly sneered at by the minority members of the Elections Committee.

In the first place, it is conceded that the Democratic inspectors in the twenty-third election district of the eleventh assembly district were not appointed by the board of elections, nor were they sworn in as substitute inspectors on the day of the special election. In other words, they were pure usurpers and intruders and their every act that day was void from a legal viewpoint. Furthermore, they committed a crime under section 764 of the New York Penal Code in assuming to act as inspectors without being duly qualified and appointed by law. Nevertheless, the Democratic members of the committee who signed the minority report consider this usurpation of authority as a matter of little consequence and of no particular gravity, although the election laws of New York denounce it as a crime.

Not only the Democratic inspectors in this particular election district but one of the Republican inspectors was also a pure usurper, being admittedly a citizen of Ansonia, Conn., and incapable of acting as an election inspector under the laws of New York. In other words, an actual majority of the board of inspectors of the twenty-third election district of the eleventh assembly district were officers neither de jure nor de facto, but were pure interlopers, intruders, and usurpers under the decisions in election cases in all the States and under all the precedents of Congress in election contests.

In fact, it clearly appears from the record that Walter G. Webster, one of the Republican inspectors, was the only one of all the persons who acted as inspectors of election at the special election of January 30, 1923, in the twenty-third election district of the eleventh assembly district that was qualified to act and was duly sworn as an inspector under the New York election laws.

It certainly can not be contended, in the light of the decisions, that Webster constituted a board with authority to act. The cases are numerous and clear that anything less than a completely and legally organized election board can not inspire the confidence and secure the sanction of committees of the House, especially where the returns are subject to suspicion as the result of proof of fraudulent conduct of the election or of fraudulent count and canvass of the votes. The cases even go so far as to say that the poll of an election district must be rejected where the board is incomplete, although there is no evidence of fraud, since an incomplete board can not make an election return. That is, two election inspectors acting as a board can not satisfy the demands of the law where three are required, nor can three satisfy the demands of the law where four are required. How, then, we may ask, could Walter G. Webster, the sole qualified inspector of the twenty-third election district, satisfy the law where four qualified inspectors were required?

It is respectfully submitted to the House that under the first reason cited heretofore in *Reid v. Julian*, namely, want of authority in the election board to act, the poll of the twenty-third election district of the eleventh assembly district should be rejected.

Another and more cogent reason for rejecting the poll of this particular election precinct is the fact that some time during the special election day 53 ballots were stolen from the pile of unused or unvoted ballots and a large majority of them were undoubtedly voted for the contestee herein, Sol Bloom, by what is called shifting or substitution of ballots.

And here again the main fact is conceded. It is not denied by the contestee or by his attorney or by the Members who signed the minority report that 53 unused ballots mysteriously disappeared after they had been delivered to and had been receipted for by all the inspectors of election at the opening of the polls in the morning. The disappearance of these ballots was testified to by the officer in charge of the polling place, Charles J. Coyne, who discovered and recovered a part of them. His testimony at the hearing was in part as follows:

Q. Will you tell me what you observed after you came back from lunch?—A. After I came back I stood in front of the polling booth, and about 12.30, or a quarter to 1, I observed people going in and out of the back room, and I walked back there, and under an old barber's coat or apron on this barber's chair that I had been sitting on in the morning I found 17 official ballots.

Q. Did these ballots have the stubs attached to them?—A. They did. Q. Were there any marks upon those 17 official ballots that you saw in the back room?—A. Three of them were marked.

Q. Where was the marking?—A. There was a cross mark in front of the candidate's name, Sol Bloom.

Q. Was the cross mark in the voting square in front of the name Sol Bloom?—A. Yes, sir.

Q. Now, how many ballots had those cross marks on?—A. Three.

And, again:

Q. Did you have any conversation with Mr. Grohol, and what did he say to you?—A. I showed him the ballots, and said, "What are these doing in the back room? How did they get in there?" He expressed surprise, and said he didn't know anything about them. I handed them over to him and we looked them over. He opened them and, I believe, took the numbers; I didn't do it. We examined them and found the three ballots marked as I said, and I took them back again, and about 7 or 10 minutes later two men came in and showed me a detective's shield. Well, I knew they were plain-clothes men, and they asked me, "What was the trouble here?" I said, "I just found 17 ballots in the back room there; I still have them in my hand." One of them said, "You give me them ballots; I will take them up to the captain of the precinct; we will attend to this." So I handed them the ballots, and about five minutes later another plain-clothes man came in, a man by the name of Mahoney, and he said, "What is all the trouble around here?" So I told him just what had happened. He said, "Now, don't say a damn word about this to anybody." I said, "All right," and I let it go at that.

Q. Now, when you showed the ballots to Mr. Grohol, did you then, all of you, look over the unvoted ballots to see whether there were any more missing or where the ballots came from?—A. Mr. Grohol and I looked over the box.

Q. That is, you looked over the lot of unvoted ballots?

Mr. BERNSTEIN. He said the box.

Mr. LEVIE. He means the box the unvoted ballots came in.

Q. They came in a cardboard box?—A. A box of ballots.

Q. When you looked among the official unvoted ballots, did you find any more missing in addition to the 17 missing?—A. Well, I didn't handle the ballots, the unvoted official ballots. Mr. Grohol did that; and Mr. Grohol, I watched him look over the ballots, and he found, I think it was, 52 missing ballots from the center of the pile—about the center of the pile.

Q. So that from the stub numbers there were about 52 missing?—A. Fifty-two or 53 ballots—something like that.

Q. So there were 52 or 53 missing from the center of the pile?—A. Yes, sir.

Q. When you showed Mr. Grohol the 17 ballots, was there anything said between you, either by you or Mr. Grohol, as to whether these were official ballots or not?—A. Yes; Grohol said that these 17 corresponded with the number that is missing here, or part of them.

This witness, Officer Coyne, the policeman who was in charge of the polling place, is corroborated in all essential details by the testimony of the two Republican inspectors, Webster and Grohol. Both of them testified to the missing 53 ballots, having themselves personally counted the pile of unvoted ballots. Grohol directly corroborates Coyne as to the marking of the 3 ballots for Bloom, and an examination of the unvoted ballots of this particular district at the time of the recount showed 53 missing ballots and furnished complete corroboration of the three witnesses—Coyne, Grohol, and Webster.

What became of these 53 ballots, we may ask. Why were they filched from near the center of the pile? Contestant contends that the difference between 53, the entire number missing, and the 17 recovered by the policeman—that is, 36—were voted by shifting or substitution by Tammany workers for Sol Bloom, the contestee herein.

Ample opportunity was offered for the perpetration of rascality of this kind by the negligence, incompetence, and inefficiency of the Republican managers in charge of the polling place in this particular election district. The testimony shows that the

Republican captain left the polling place at 10 o'clock in the morning to go to his office down town and did not return until 4 o'clock in the afternoon. The Republican lady captain was sick that day in the hospital and the two Republican inspectors of election strangely left the polling place for lunch at the same time, with the result that there was absolutely not a single Republican worker, watcher, or officer left at the polling place to safeguard Republican rights and interests. When the Republican leaders of the eleventh assembly district, Mr. Robert P. Levis and Mrs. Mollie Wilkinson, heard of this state of things they both rushed to the polling place and did everything possible to have Republican interests protected, but unfortunately the crimes had been committed and the damage done before they arrived upon the scene.

Tammany responsibility for the commission of this very serious election crime is unmistakably indicated by the following facts: (1) Of the 17 official ballots recovered by the officer in charge of the polls, 3 were marked for Bloom and were ready to be voted. These 17 were serial numbers of the 53 missing, and the conclusion is inevitable that the other 36 had already been voted for Bloom; (2) the record shows that the Democratic chairman of the board resigned immediately after the discovery of the 17 ballots and went to his office down town, giving various and unsatisfactory reasons for his departure. Flight has always been considered an evidence of guilt, and this Tammany chairman of the board fled because it is almost certain that he was the inspector who stole the ballots and helped to vote them. Contestant presented to the committee at the hearings in his oral arguments detailed and exhaustive proofs that this man was the real culprit in this bold ballot fraud; (3) the action of the Tammany captain in running at top speed immediately after the discovery of the 17 ballots, a block or so away, to the local Tammany club to report to the Tammany leader what had happened, with the consequence that fake plain-clothes men came within from 7 to 10 minutes afterwards, according to Officer Coyne, to demand the ballots for the purpose of taking them to the captain of the precinct station.

If these plain-clothes men who demanded the ballots of Coyne had been bona fide officers of the law they would have either handed these 17 ballots to the chairman of the board of inspectors of the election district and would have demanded a receipt for them, or they would have taken them to the captain of the nearest precinct station, as they promised Officer Coyne they would do, or they would have delivered them to the office of the district attorney of New York County on a criminal complaint filed by them, or they would have delivered them to the board of elections in the municipal building. But none of these things was done, as the record in this case clearly discloses. Every captain of every precinct station in the nineteenth congressional district was summoned by contestant to give evidence in this proceeding concerning these missing ballots, and all swore that they had never heard of them and that the blotters of their precinct station houses contained no mention or record of them. Furthermore, that pigeonholes had been searched, and they had not been found. The fact of the matter is these so-called plain-clothes men were Tammany guerillas, who were doubtless aware of the ballot fraud from the very beginning, and made post haste to protect the perpetrators of it by getting possession of the 17 ballots and destroying them as possible evidence in a criminal prosecution.

It is impossible for me to see how the elections committee or the Members of this House could allow the returns from the twenty-third election district of the eleventh assembly district to stand in the face of the overwhelming testimony that ballots were stolen and voted for the contestee, Sol Bloom. Even if it could be conceived that they were voted for me, the contestant in this proceeding, the poll would have to be rejected, because partisan advantage and partisan considerations are not to be considered, according to the decision, in deciding the question of the rejection of a poll. The only question to be decided, according to all the cases, is whether there was a fair and honest election in the twenty-third election district on special election day, and whether the returns are a truthful report of the votes cast by legal voters. If this question can not be answered in the affirmative, I contend that the poll should be rejected. How can the question be answered affirmatively when 53 ballots were missing under circumstances that clearly indicate theft and false voting?

The record shows that Officer Coyne delivered 450 official ballots, the full number allotted to each election district at the special election, to the election inspectors of this particular election district and took a receipt for them. This receipt has been introduced into evidence as Contestant's Exhibit No. 8. These ballots were then in the custody of the inspectors of

election, who were legally responsible for their safe-keeping, and the thought is forced upon the mind that the 53 ballots were either stolen by one or more of the inspectors or that they were stolen by others with their knowledge and consent. To suppose that strangers or outsiders could come into a small voting place and take ballots from under the very noses of election inspectors without their knowing it is to insult reason and common sense. We are therefore driven inevitably to the conclusion that some one or more of the election inspectors filched the ballots from the center of the pile and either voted them or caused others to vote them. In either case, under all the precedents of Congress, the poll should be rejected.

Concerning these missing ballots I find in the minority report this amazing sentence, which indicates a complete ignorance of New York election laws, both civil and criminal:

There is absolutely no proof that either of them (53 or 17) were taken out of the pile for a fraudulent purpose.

It becomes my duty at this time to repeat for the benefit of the minority members of the committee what I said to them at the hearings, that official ballots can not be taken by anybody, not even by election inspectors, from the polling place before the closing of the polls without committing a crime under New York law; and the commission of a crime necessarily argues a fraudulent or criminal intent. We find in the New York Penal Code the following provision (section 764):

Any person who removes any official ballot from a polling place before the closing of the polls is guilty of a misdemeanor.

Again, we find the following provision in section 760:

A person who, having charge of official ballots, destroys, conceals, or suppresses them, except as provided by law, is punishable by imprisonment for not more than five years.

Notwithstanding the levity and flippancy of the minority members of the committee in the matter of these 53 missing ballots, you gentlemen of the House of Representatives will see from the citations that I have given that a crime was necessarily committed by some one when these ballots were removed from the polling place before the closing of the polls. And it is for you, under all the circumstances of the case, to determine whether there was a fraudulent intent and what that fraudulent intent was.

The fact remains that to this good hour no one has ever heard of what became finally of those 53 ballots or of any part of them, excepting the 17 that were given to fake plain-clothes men by Officer Coyne, and that were doubtless taken away and destroyed by them. I repeat that the reasonable and necessary inference is that 36 of the 53 had already been voted for Bloom by the familiar method of substitution, and that the other 17, partly marked for Bloom, that were recovered by the officer in the back room of the barber shop, would have been voted but for the timely discovery of the officer.

Again, the majority members of the committee in their report have recommended that the poll of the twenty-third election district of the eleventh assembly district should be rejected because the record shows that there was illegal voting by repeaters and other illegal voters in this election district at the special election. The testimony shows that the names of Frank Feldman, the father, and his three sons, Sidney, Samuel, and Herman, were voted on by repeaters in this particular election district on the day of the special election.

The testimony of Frank Feldman shows that the Tammany captain of the district engineered the repeating at least and may possibly himself have been the repeater. On pages 881 and 882 of the record you will find admissions by this Tammany captain that, when taken in connection with Feldman's testimony, practically convict the Democratic worker of the crime of repeating.

* The following is a part of the testimony of Frank Feldman in this matter:

Q. Now, tell us, after having refreshed your recollection by your affidavit which was made two months ago, all that this man did was to stop you at the door and to state to you on that occasion—A. (interrupting). He said to me, "It is no use your going in," that "I, as a Democrat, know you are enrolled as a Democrat, and your vote has been cast already for you. It is no use your going in any more."

Note, if you please, that here a plain, honest Democratic citizen and voter goes to the polling place to exercise his rights of citizenship and suffrage and learns that he has been robbed of his vote by one of his own party workers.

And, when on cross-examination he was asked why he did not insist on casting his vote, he stated that, knowing the character of the locality, he was afraid of bodily harm if he did so. His testimony on this point is, in part, as follows:

Q. You just said that in the interest of justice and because you felt that you were deprived of the right, why did you wait until you were interviewed a long time after the election had taken place to right this wrong?—A. You mean to say that I am going to risk my life on Eighth Avenue to make a complaint? There should be a riot and that I should be killed?

Q. After you left Eighth Avenue did you make a complaint to any official at all or anybody in any official capacity?—A. No, sir.

Q. Did you write to anybody?—A. No, sir.

Q. That somebody voted in your name didn't deprive you of the right to swear in your vote?—A. Why, I didn't want to go in to inquire any more, because I was afraid that—

Q. Did you know at the time that you went there that if you had the right to vote at that polling place, that irrespective of the fact that some one had voted in your name previously on that day that you could have sworn your vote in?—A. I don't know whether I would do that or not. I would not dare to go in to do anything like that.

Feldman and his family had lived in this particular election district several years and were well acquainted with Tammany election methods and tactics, and here we find him declaring under oath that he did not dare assert his rights as a citizen for fear that a riot might follow and that he might be hurt or killed.

Certain Republican workers testified in New York that they were intimidated and were chased out of this election district by Tammany guerrillas who threatened them with broken skulls and with death if they failed to leave at once. Is not this testimony of Feldman, himself an enrolled Democrat, strong corroboration, as to the methods of intimidation of Tammany, of the testimony of those workers?

Not only repeating was carried on on an extensive scale in the twenty-third election district of the eleventh assembly district, but other kinds of illegal voting also took place. One Louis Zucker, who had removed from this election district, came back on the special election day and voted in violation of the law. He was called as a witness by contestant but refused to testify for whom he voted. Zucker is a type of several or many illegal voters of this kind who doubtless voted in this election district on January 30, 1923, as Frank Feldman and his three sons were the types of many others who had their names voted upon by repeaters.

Contestant respectfully begs to remind the House that under the precedents of Congress you are not limited to the actual number of votes proven to have been illegally cast in the matter of the proposed rejection of a poll. Fraud having been shown in the casting of certain votes, the inference is allowable, and in many cases necessarily follows, that many illegal votes were cast. This is all the more certainly true where election officers or workers are shown to have been concerned in the perpetration of the fraud, and where the frauds committed are of an insidious character and difficult to prove. In *Pearson v. Crawford* (56th Cong.) an entire precinct return was rejected because a few votes (two or three) were proven to have been bribed. Here several hundred votes were thrown out, though only two or three were proven bribed, because of the insidious character of the crime of bribery and the great difficulty of proving it.

In this connection may we not ask if the crime of bribery is more insidious and difficult to prove than the crime of repeating? I do not think so, and I do not believe that you will think so. The majority members of the committee certainly did not think so. Then, on the authority of *Pearson* against *Crawford*, they have recommended, and I ask that the poll of the twenty-third election district of the eleventh assembly district be rejected, because of the positive proof that the names of Frank, Sidney, Samuel, and Herman Feldman were voted on in this election district at the special election.

And in this connection permit me to remind you that the testimony plainly shows that there was actually other repeating than on these names. The man who really lived in One hundred and twenty-second Street and succeeded in voting from One hundred and eleventh Street is an illustration.

Again, the majority report recommends that the poll of the twenty-third election district of the eleventh district should be rejected because the record shows that there was electioneering within the polling place and within the prohibited limit of 100 feet by means of banners and pictures of Bloom, the contestee, and by personal solicitation of his workers, including the Democratic election inspectors themselves, in violation of the election laws of New York.

Here, again, strange to say, the minority members of the committee, although admitting the main facts stated, do not find any ground for rejecting the poll. They practically admit that a crime was committed and candidly state that "the officials

who allowed such may have been amenable to prosecution." Nevertheless, they are not willing to consider even a criminal act of this kind as a serious matter and something to be used against their friend Bloom, whose seat they have resolved to keep for him, even if they have to torture facts and outrage law in order to do it.

Not only by means of banners and pictures of Bloom but by personal solicitation of the Democratic workers and officers of election was the New York election law against electioneering within the polling place or within the 100-foot limit repeatedly violated. The following testimony of the witness Grohol is especially pertinent:

Q. Now, the chairman, in the morning, who had assumed the duties, as you testified, did he act all day?—A. No; he did not.

Q. About what time did he leave?—A. That I can not say because, in fact, the whole official force, more or less, would absent themselves for a moment, particularly the Democratic officers—they did quite a big bit of running. They would see John, Peter, or Paul on the street and they made it their duty to go out and they would say, "Watch this man" or that man—"get that fellow."

Q. You mean the Democratic election inspectors would go out and bring in voters?—A. Positively.

Q. Did you, either you or Mr. Webster, go out and bring in any voters?—A. No, sir; I am speaking for myself; I did not. Mr. Webster may have gone out. I can not vouch for whatever his actions may have been.

If you believe this testimony of the witness Grohol, I respectfully submit that there is nothing left but to reject the poll of the twenty-third election district of the eleventh assembly district. By consulting the certificate book (contestant's Exhibit No. 5) of the twenty-third election district you will see that each election inspector who is sworn in pledges himself not to do any electioneering for votes while he is acting as inspector on election day.

The oath is the same whether administered to a regular inspector at the board of elections or to a substitute inspector at the polling place and is, in part, as follows:

I further swear (or affirm) I will not in any manner request or seek to persuade or induce any voter to vote for any particular ticket or for any particular candidate.

Indeed, no legal pledge of this character is necessary in the case of an honest election inspector and all actions of a dishonest one should be repudiated by this House. Nothing could better illustrate the utter and reckless disregard of law in the conduct of the election in this particular election district than the action of the Democratic officers in leaving their regular duties at the books and the ballot box to go out to corral voters. Such conduct is so reckless and so defiant that it has a touch of the humorous and the serio-comic. A strict construction of the election laws of New York prohibits inspectors from leaving the polling place on election day even for lunch. Much more do they prohibit them from leaving their regular routine duties as inspectors to become canvassers around the polling place.

Again, the majority report declares that the poll of the twenty-third election district of the eleventh assembly district should be rejected because unsworn persons, other than election officers, were permitted to handle the official ballots both during the day and at the count and canvass of the ballots at night in violation of the election laws of New York.

The election laws of New York forbid the handling of official ballots on election days by any other persons than sworn election officers and the voters who are entitled to vote. Now, the record clearly discloses, and the minority members in their report plainly admit, that others than sworn officers handled official ballots at the special election in the twenty-third election district. These minority members declare that "they had a right to do so," although they were only ordinary captains and watchers, when the New York election law, which was read to them at the hearings, plainly contradicts this statement. Let me read the law to you to show you that I am right and that these gentlemen who wrote the minority report are absolutely wrong. We find this sentence at the very close of section 213 of the New York election law of 1922:

If requested by any person entitled to be present, the inspectors shall during the canvass of any ballot exhibit to him the ballot then being canvassed, fully opened and in such a condition that he may fully and carefully read and examine it, but no inspector shall allow any ballot to be taken from his hand or to be touched by any person but an inspector.

This passage of the New York election law was read to all the members of the committee, both Democratic and Republican, at the hearings before the committee, and I submit that it was not

the right thing to do to misrepresent the law in the minority report and to seek thus to mislead you on a vital point in the proceedings.

Not only does the ordinary election law forbid others than sworn election officers to handle official ballots but the Penal Code defines it as a crime and affixes a penalty. The following is from subdivision 19, section 764 of the New York Penal Code:

Any person who, not being an inspector or clerk of election, handles a voted or unvoted ballot or stub thereof during the canvass of votes at an election is guilty of a misdemeanor.

What becomes of the contention, then, of the minority members of the committee in their minority report when they assert that ordinary captains and watchers who handled official ballots in the twenty-third election district at the special election "had a right to do so"? What do you think of their efforts to prove to you that crime is of no consequence and that an utter disregard of the election laws of New York in a vital matter should not be considered even a contributory cause in the matter of the rejection of a poll?

Again, the majority report declares that the poll of the twenty-third election district should be rejected because of intimidation of Republican workers, who were compelled to leave the election district when most needed in the afternoon of election day, by organized bands of ruffians, evidently friends of the contestee herein, who threatened the said Republican workers with fractured skulls and with death if they failed to leave the district at once.

Here, again, the facts of intimidation are not remotely denied by the minority members of the committee. In fact they candidly admit them and seek to avoid bad consequences by saying that the intimidation was directed against Republican workers and not against voters, as if party workers are not entitled to the same protection as voters themselves.

I beg you not to forget in this connection, gentlemen of the House, that this was a special election; that the 30th of January was a cold day, as testified to by more than one witness; and that it was difficult to get voters out to the polls. Both party organizations had sent trained workers into every election district, and they had been instructed to make unusual efforts in the late afternoon to get out voters who had forgotten or neglected to vote. How many votes were lost to the Republican Party in the twenty-third election district by the chasing out of their trained workers who had been for years trained captains in another election district it is for you to say.

The record shows that the list of late voters had been prepared and that the final drive had begun at 3 o'clock when the Republican workers were driven out of the district by two automobiles full of guerrillas under threats of fractured skulls and of death. Is it unreasonable to suppose that many votes were lost to the Republican candidate and party by this violence and intimidation?

Your attention is called to the following sentence from *Smalls v. Elliott* (50th Cong., Mobley, 680), as the law applicable to this phase of the case:

When the evidence shows conclusively that violence, threats, and intimidation have been used to affect the result at a precinct, the whole vote will be rejected.

While the driving out of the Republican workers might not by itself have changed absolutely the result in the twenty-third election district, it was intended to affect and undoubtedly did affect the result, in the sense of the rule laid down in *Smalls v. Elliott*.

Again, the majority members of the committee say that the poll of the twenty-third election district of the eleventh assembly district should be rejected because drunkenness and boisterous conduct characterized the actions of the Democratic chairman of the board of inspectors and the Democratic captain to such an extent that the freedom of the election in that district was destroyed; that intimidation resulted; that scandal disgraced the entire proceedings; and that the election results and returns were rendered unreliable thereby.

On this point, the minority members of the committee in their report misrepresent the record completely and become facetious and sarcastic. Their desperate attempt to substitute humor and sarcasm for fact and logic will be seen when I read to you a few passages of testimony from the record. But first let me read you a passage from their report on page 8, as follows:

This contention, the minority respectfully submits, resolves itself into the fact that one or more witnesses testified that they "smelled liquor on Elbern and Rosenberg's breath"; and this House is asked to deprive Bloom of his seat herein because, forsooth, Chandler's witnesses

smelled liquor on a man's breath. No liquor was given a voter, and no officer charged that the freedom of election was interfered with in any manner whatsoever.

Nothing could be more disingenuous and misleading than the statements in this extract. There is an old saying that "a half truth may be a whole lie," and the minority members of the committee have falsified the record by seemingly deliberately suppressing a part of the truth. The statement that "no liquor was given a voter" is absolutely false, as I shall be able to show you in a minute by quoting the record, and the suggestion that "this House is asked to deprive Mr. Bloom of his seat herein because, forsooth, Chandler's witnesses smelled liquor on a man's breath," is a gratuitous insult to the Members of this body, because it misleads them by a misrepresentation of the facts of the record.

Let us consider in this connection at this point the testimony of Mr. Robert P. Levis, the Republican leader of the eleventh assembly district. In the record, at page 513, you will find the following extract from his testimony:

Q. Now, Mr. Levis, in your own way, will you first please state to the commissioner for the record your observations on that day concerning the conduct of the election and the count of the votes in the twenty-third election district of the eleventh assembly district?—A. (Extract from a lengthy statement.) * * * I stayed there for about 15 minutes at that time. At that time Mr. Elbern, whom I understood to be acting as chairman of the board of inspectors, was drunk. He was acting in a boisterous manner; his breath bore the undoubted smell of whisky. Not only was he acting in a boisterous manner, but, as I say, bore the appearance of what I will call almost "sodden drunkenness."

And, again, on cross-examination as follows:

Q. Sometimes you meet with a man who you see is almost in a state of sodden drunkenness; what do you mean by saying continuously "sodden drunkenness"?—A. I mean they are in that physical condition where they are silly; their actions and movements are sluggish and slow. The only thing that did not move slow about Elbern was his tongue.

Q. Then he was acting silly?—A. He was acting boisterously, and, in my judgment, incapable of acting as an election official.

Again, in this connection the testimony of ex-Assemblyman Nichols was as follows:

Q. Mr. Nichols, what did you observe with reference to Mr. Elbern which would assure you that he was badly under the influence of liquor?—A. In the first place, he acted in a manner unbecoming any man or gentleman, and he was vicious and vindictive, and threatened to assault me not once but many times.

Q. Was he boisterous and noisy?—A. Very boisterous and noisy.

Q. Did his breath indicate anything to you?—A. Both his breath and his actions indicated strongly that he had been using liquor that day.

Q. And was the same true of Mr. Rosenberg, the captain?—A. It was.

Does this testimony justify the sarcastic suggestions of the minority members in their report when they try to lead you to believe that a mere "smell of the breath" was all that the record disclosed as to the drunkenness of Elbern and Rosenberg? Does not "sodden drunkenness" suggest something worse? Does not the fact that Elbern was "vicious and vindictive and threatened to assault me (Nichols), not once but many times," suggest something more than a "mere smell of the breath"? Does not the fact that he was "very loud and boisterous" suggest something more?

Whether through ignorance of the record or from deliberate design to deceive, I do not know, but the minority members plainly assert in their minority report that "no liquor was given a voter" at the polling place of the twenty-third election district. This statement is flatly contradicted by the testimony of the witnesses of both contestant and contestee. After swearing that the Democratic inspectors of election frequently went back to the rear of the barber shop in which the election was held in the twenty-third election district to procure and drink liquor, the witness Grohol further testified as follows:

Q. With the exception of these two men, did you see anybody else going back there to get booze?—A. Yes, sir.

Q. Who?—A. Some voters.

This testimony may be found on page 123 of the record.

Again, Bloom's own witness, Rosenberg, the Democratic captain of the district, testified as follows:

Q. Did you see any liquor on the premises at any time?—A. Yes, sir.

Q. I mean in the election polling place.—A. Yes, sir.

Q. In whose hands did you see it?—A. A voter's.

This testimony may be found on page 875 of the record.

Again I must express my amazement that the minority members of the committee should have so flagrantly misrepresented the record in the matter of voters drinking in the polling place of this particular election district.

But what difference does it make, you may ask, whether Elbern and Rosenberg and voters were drunk or not, as far as the merits of this case are concerned? My reply is that under more than one precedent of the House of Representatives, drunkenness and boisterous conduct of both election officers and of voters have been considered contributory irregularities and even sufficient grounds for the rejection of a poll of an election precinct. A leading case upon this phase of the subject is *Covode v. Foster* (Hinds I, p. 724) in which, among other irregularities, is mentioned that "persons, some under the influence of liquor, were near the boxes during the day; one inspector of election was under the influence of liquor," and the committee in this case reported as follows:

From all the evidence, we think we must conclude that the returns of such an election are too unreliable to be received, and as neither party has attempted to prove what votes were cast for him at that election, that the whole poll of Dunbar Township be rejected.

Can you, gentlemen of the House, doubt for a moment that the drunkenness and disorderly conduct of the election officers justify the rejection of the poll in the twenty-third election district of the eleventh assembly district, under the precedent of *Covode v. Foster*, just cited? Can there be any possible doubt when this drunkenness and disorderly conduct were indisputably connected with fraud, theft of ballots, repeating, and intimidation? The poll was rejected in the case of *Covode v. Foster*. Was the evidence of election irregularities and frauds in the Dunbar Township case half so strong as in the case of the twenty-third election district of the eleventh assembly district? Were the frauds and crimes committed nearly so numerous and so serious? I think not.

In closing, under this heading, permit me to say that in *Yeates against Martin*, Forty-sixth Congress, occurs this sentence:

It is insisted that one of the two inspectors who officiated was drunk and unfit for the proper discharge of his duties, and it is noteworthy that with singular infelicity this gentleman was selected as the custodian in chief of the ballot box.

This language seems to have been written to refer to Elbern, acting chairman of the board of inspectors and the chief custodian of the ballot box in the twenty-third election district of the eleventh assembly district.

Again, the members of the committee, in their majority report, have declared that the poll of the twenty-third election district of the eleventh assembly district should be rejected because the method of counting the votes and the preparation of the tally sheets after the close of the polls in this election district were in flagrant violation of the election laws of New York, providing for a true count and an accurate return of votes cast.

The New York election law is very specific and exacting as to the method of counting and canvassing and tallying votes at an election. It provides that when the polls are closed the ballot box shall be opened and the ballots taken from the box and placed in one pile, face down. The chairman shall then take up each ballot in order, turn it face up, and announce loudly and distinctly the vote, and so forth. It further provides that, following the announcement of each vote by the chairman, two election clerks, one a Republican and the other a Democrat, "immediately shall tally in black ink with a downward stroke from right to left" the vote announced. It further provides that "each such clerk or inspector, as he tallies a vote, shall announce clearly the name of the person for whom he tallies it," and so forth.

You will doubtless be both mystified and amused, gentlemen of the House, when I tell you how the counting, canvassing, and tallying of the votes took place in this particular district at the special election. Let me read first from the testimony of Rosenberg, the Democratic captain, who was one of Bloom's leading witnesses. His testimony was, in part, as follows:

Q. Well, after the polls closed, Mr. Rosenberg, the boxes were opened, you say, and they were placed in piles of 10; is that correct?—A. Yes, sir; after the newspaper was put on the table to keep ink from marking the ballots; four inspectors called off 10 ballots each from each pile and passed them on to one another.

Q. And there were two poll clerks?—A. Yes, sir.

Q. And one was Mr. Oppenheim?—A. That is right.

Q. You now testify that Mr. Oppenheim didn't sit at the table and mark each vote on his tally sheet as it was called off?—A. There was not any calling off.

Q. They simply placed ballots in piles, then called off, say, for example, 150 for Chandler, and Oppenheim marked 150 on his tally sheet?—A. Appel called out so many for Chandler, so many for Bloom, and so many for the Socialist, and so many—

Q. Give the gross number in each instance?—A. That is right.

Q. And then Mr. Oppenheim went and marked on the tally sheet the proper number of marks called out, corresponding with the number called out by Appel and the others?—A. That is right.

Q. And thereupon were the tallies entered by the tally clerk?—A. After there was a preliminary sheet made out, as he went along, we took so many for Bloom, so many for Chandler, and so many protested, and that went down on a piece of scrap, and the scrap was turned over to the tally clerk.

From this testimony it clearly appears that the Democratic tally clerk, one Oppenheim, copied the figures in gross as they had been entered upon a scrap of paper by an unsworn election officer, upon his official tally sheet after all the votes had been counted. And to make the matter all the worse, it seems that the Republican clerk of election, one Marguerite A. Gaff, was so incompetent and servile as to copy the tally sheets of Oppenheim which had themselves been copied from a "scrap" of paper furnished by Rosenberg, as a basis for her own election return and report, and all this was done in flagrant violation of New York election law.

From extracts of the election law of New York heretofore given in the matter of the canvass and tally of the votes after the polls have closed at an election, we see that the ballots are required to be placed in one pile face down upon the table. Instead, Rosenberg and his puppet inspectors separated them into four separate piles, "No. 1, Chandler; pile No. 2, for Bloom; and pile No. 3, Socialist; pile No. 4, protested and void ballots."

The next requirement of the law is that the "chairman shall then take up each ballot in order, turn it face up, and announce loudly and distinctly the vote, etc." Instead, the votes were counted in each separate pile without being publicly announced, the gross result was then entered upon a memorandum paper, or "scrap," as Rosenberg called it, and this preliminary tally or result was copied by Oppenheim, the Democratic poll clerk, and his copy was then in turn copied by Marguerite A. Gaff, the Republican poll clerk. This was all done in the face of the requirement of the law that each poll clerk when each vote was called out one at a time should immediately tally the vote in black ink, with a downward stroke from right to left, upon the official tally sheet.

The attention of the House is called to the fact that election laws prescribing methods for counting, canvassing, and tallying votes are mandatory and a violation of them is fatal, especially when fraud is in any way involved in the election. The following cases are applicable at this time:

It is axiomatic that laws designed to secure the accuracy of the count are mandatory. (*Pearson v. Crawford*, 56th Cong., Rept. 199, p. 5.)

The violation of directory provisions of the law, if no fraud be shown to have resulted therefrom, can not vitiate an election. It is wholly different when mandatory provisions of an election law are violated. In the latter case the election is void. (*Richardson v. Rainey*, 45th Cong., 1 Ells. 230.)

Under this heading I find in the minority report this strange and puzzling sentence:

Certainly the contestee (Bloom) can not be held responsible for the failure of the officers to do their duty properly.

It would be interesting to know where the minority members got this queer notion of the election law. If they are right, election officers could stuff a hundred ballot boxes, steal a thousand ballots, and lead a thousand repeaters to the polls to vote on the names of other men and it would not affect the rights of the contestee if he knew nothing about it and had had nothing at all to do with it.

To those who know the election laws, both State and Federal, this theory is worse than nonsense. It is a well-established principle of the election laws of the State and of the Nation that the misconduct of election officers, especially when fraud is present, may vitiate an election or cause the rejection of a poll even if the contestant or the contestee knows nothing whatever of the fraud. Any other doctrine would leave a candidate free to go to London at election time, thus permitting his criminal friends to carry an election by fraud and crime, in his absence, and without any disadvantage to him as a candidate in case of an election contest. Such a theory is ridiculous

In the extreme and utterly unworthy of the members who signed the minority report.

Again, in this connection, in the minority report occurs this sentence, which is equally amazing, ridiculous, and absurd, and that illustrates a startling ignorance of New York criminal law:

No fraud can possibly be attached to this dereliction of the election officers if in this instance they failed to comply with the law.

It now becomes my unpleasant duty to point out to the members who signed this minority report that not only fraud but crime as well attached to the dereliction of the election officers of the twenty-third election district of the eleventh assembly district when they failed to count, canvass, and tally votes as the law required. Section 753 of the New York Penal Code reads, in part, as follows:

Any member or clerk of a registry board or other election officer who willfully violates any provision of the election law relative to the registration of electors or the taking, recording, counting, canvassing, tallying, or certifying of votes is guilty of a felony, punishable by imprisonment for not more than three years, or by a fine of not more than \$3,000, or both.

The fact of the matter is that this minority report misrepresents the facts of the record and misstates the law of the case throughout and is unworthy of serious consideration by any body of intelligent men.

Again and finally, the majority report recommends that the poll of the twenty-third election district of the eleventh assembly district be rejected because the election returns from this particular district as filed with the board of elections of New York City, and with the county clerk of New York County, were evidently deliberately false returns, for, although the election inspectors knew at noon of the special election day that 53 ballots had been stolen from the pile of unvoted ballots, they failed to report them as missing ballots in their election returns, but, on the contrary, reported the full number of unvoted ballots.

Here again, the fact of a false return by election inspectors is not in dispute. It is admitted by the minority members of the committee who, with a mere motion of the hand, seek to pass it over as of no consequence. These gentlemen seem to be entirely indifferent to the fact that under the congressional precedents of nearly a hundred years deliberately false and fraudulent returns have been deemed sufficient reason for rejecting polls of election precincts. Election committees, without distinction of party, have all agreed that election officers who would deliberately make a false return should not be trusted in any regard, and that all their acts should be treated as void and as of no effect.

The minority report declares that laws requiring a correct return are directory merely and may be disobeyed with no bad effects. This contention, I respectfully submit to you Members of the House, is not well founded in Federal decisions, and it is completely disproved by the fact that the New York Penal Code, section 766, makes a false return a felony crime. No law can be directory when its deliberate violation is declared to be a crime.

I beg to submit to you, gentlemen of the House, by way of summary and recapitulation, that the record of fact in the case clearly proves and the majority members of the committee were fully justified in finding that, in the twenty-third election district of the eleventh assembly district, at the special election, there was an illegal organization of the board of inspectors; theft and false voting of ballots for Sol Bloom, contestee herein; illegal voting by repeaters with the aid and under the guidance of Tammany workers; illegal electioneering within the polling place; illegal handling of ballots by unsworn persons; brutal intimidation of Republican workers; drunken and boisterous conduct on the part of Tammany officers of election; illegal counting of votes and preparation of tally sheets; and a deliberately false election return.

I wish further to call your attention to the fact that each and all of these various irregularities and frauds are, without exception, defined as crimes by the New York Penal Code, relevant sections of which I have already cited and quoted. There can be no question, furthermore, as to the sufficiency of proof of the facts constituting these frauds and crimes, since each and every one of them was proven by one main witness and by from one to six corroborating witnesses, as well as by the recount and by corroborating documentary evidence. In fact, the proof was so complete that the minority members of the committee have been compelled to concede the facts, although misrepresenting the laws applicable to them, and declaring them to be of no serious consequence.

You will recall the language of *Reid v. Julian*, cited by me in the beginning, which runs as follows:

An entire poll should always be rejected for one of the three following reasons:

- (1) Want of authority in the election board.
- (2) Fraud in conducting the election.
- (3) Such irregularities or misconduct as render the result uncertain.

I confidently believe that the record of evidence in this case clearly establishes that, in the case of the twenty-third election district of the eleventh assembly district at the special election of January 30, 1923, there was want of authority in the election board, there was fraud in conducting the election, and such irregularities or misconduct as to render the result uncertain. I feel perfectly sure that I have created not merely one of the three reasons for rejecting a poll, stated in *Reid v. Julian*, but all three, and by evidence that shuts out practically all doubt. I ask you then, gentlemen of the House, to agree with me and with the majority members of the committee that the poll of the twenty-third election district of the eleventh assembly district should be rejected and that its returns should form no part of the canvass or general returns of the special election.

I come now to consider the second general proposition contained in the majority report; namely, that the poll of the thirtieth election district of the seventeenth assembly district should be rejected for the two following reasons:

- (a) Because 34 ballots were stolen from the pile of unused or unvoted ballots and were voted for Sol Bloom, contestee, by what is known as shifting or substitution of ballots.
- (b) Because there was a deliberately false and fraudulent return of votes by the board of inspectors of this election district.

Here again, gentlemen of the House, the fact that 34 ballots were missing is conceded by contestee and his attorney and by minority members of the committee. Here again they speak loosely and flippantly of these missing ballots and assert that no particular sanctity attaches to unused ballots and that there is no particular significance in the fact that they were missing. Here again they completely ignore the severe rules of custodianship and guardianship thrown around all official ballots, used and unused, from the time they leave the printing press until they are finally disposed of, under law, by the board of elections. At the hearings contestee's attorney was asked by Mr. Ragon, a minority member of the committee, if New York law made any special provision for the protection of unused ballots after the election. This attorney, whether through ignorance or design, strangely informed the minority member that there was no such provision, that New York election laws were careful only about official ballots that had been voted.

I am compelled once again to quote the exact language of the New York law in this regard, in order to combat error and false statement of fact. The minority report says that there is no sanctity attaching to unused ballots. Certainly not, in the sense in which the Koran or the Bible might be held sacred, but there is a judicial sanctity attaching to them, and that sanctity is so great that a criminal charge will hang over a man that does not regard it. Let me read the law upon the subject of the preservation of unused, as well as of used, ballots after an election. The following is an extract from section 123 of the New York election laws of 1922:

Except as hereinafter provided packages of protested, void, and wholly blank ballots and packages of unused ballots shall be marked, and all absentee envelopes, if opened or unopened, shall be preserved inviolate for six months after the election. Except as hereinafter provided boxes containing voted ballots shall be preserved inviolate for six months after the election.

You will note, gentlemen of the House, that in the matter of the preservation of ballots there is not one bit of difference between used and unused ballots, the same word, "inviolable," being used with reference to the two, and the same time, six months, being required.

And why is that? My attorney, Mr. Obermeier, explained to the committee in his speech at the hearings. He explained the history of the development of the New York election law and asserted that unused ballots were required to be kept inviolate six months, or until a possible recount, to enable contestants in contested-election cases to detect the work of election crooks in the matter of the crime of the shifting or substitution of ballots. He asserted that any lawyer that was "up to snuff" would advise his client in a contest to be sure to examine the unused ballots. Why? Because the shifter and substituter, the ordinary election crook, could certainly be detected and followed by missing unused ballots.

Although I felt I might rest my case, as far as the missing ballots of the thirtieth election district were concerned, upon the necessary presumption, considering the requirements of law regarding their custodianship, that they had been stolen and illegally voted, nevertheless I resolved to produce proof not only by documentary evidence but by oral testimony that would shut out completely any supposition that they might never have been printed or that they might have been misplaced or lost after being printed. I therefore summoned before my notary public various members of the firm and of the working force of the M. B. Brown Printing Co. to show that the official ballots used at the special election of January 30, 1923, had been properly printed, cut, examined as to numbers and districts, securely sealed and tied, and then delivered to regular and trusted agents of the firm to be delivered to the police stations, from which they were delivered to the various polling places at 5.30 a. m. the day of the special election.

Then, to complete the proof with regard to the thirtieth election district of the seventeenth assembly district in the matter of the missing 34 ballots, I subpoenaed the receipt on file in the bureau of elections, which had been taken by the policeman at the polling place in the morning and that was signed by all four inspectors of election of that election district, showing that the full number of ballots had been received in the morning.

To still further show that there had been no tampering with the unused or unvoted ballots after they left the polling place, the policeman in charge and the chairman of the board were called to prove that there had been no tampering with the ballots on the way from the polling place to the precinct station. The officers of the precinct station were called to prove that they had been under lock and key until demanded by the board of elections for the recount. The agents of the board of elections, one a Democrat and the other a Republican, were called to prove that they took them in a truck or van closely guarded and delivered them to the proper officers of the board of elections. The officers of the board of elections who received them from the chauffeurs or truckmen were called to prove that they had received the ballots and had carefully stored them in the examination room of the board of elections where the recount took place. Six policemen were then summoned who testified that they had guarded the ballots day and night during the whole recount, two at a time in shifts of eight hours, and that whether at midday or at midnight they kept sleepless eyes in a locked room on all the ballots and all the election material.

It was under these circumstances of guardianship and custodianship by the officers of the law, all the way from the printing press to the examination room of the board of elections where the recount took place, that the 34 unvoted ballots were found missing. Can any reasonable conclusion be drawn from the fact that they were missing except the conclusion that they were stolen and voted illegally?

However, the House will not be asked to draw even a slightly strained inference from the missing ballots. After I had introduced all the testimony just mentioned, at the expense of much time and trouble, an accidental circumstance produced a witness who saw the Democratic inspector of election, the ballot-box inspector, shifting and substituting ballots at the special election in the thirtieth election district of the seventeenth assembly district.

Herman M. Goldsmith, Republican captain of the thirty-first election district of the seventeenth assembly district, happened to stop in at a barber shop, the polling place of the thirtieth election district, to get a hair cut. He was a regular patron of this barber shop and knew personally and well the proprietor of the shop, an Italian, one Giovanni Vucci. In a moment of confidential conversation while he was cutting Goldsmith's hair Vucci related to Goldsmith how he had seen the Democratic ballot-box inspector take ballots from voters and shift and substitute them. He told Goldsmith that when a voter came in and handed a marked ballot to an inspector, he would put it in the ballot box if the voter stood and looked at him any length of time. If the voter went out at once without waiting to see that his ballot had been properly placed in the box, the Democratic inspector would hold the ballot in a concealed position near his right hip and would look at it to determine the candidate voted for. If it was a vote for Bloom, the contestee, he would put it in the ballot box, but if it was a vote for Chandler, the contestant, he would stick it in his pocket.

Goldsmith reported this conversation a short while afterwards to Herman Goldman at the Liberty Republican Club, a block or two away. Goldman is a friend of mine and a Republican captain of one of the election districts of the seventeenth assembly district. A short while after in the same evening Goldsmith and Goldman together called on Vucci and heard

from him the same story that he had told Goldsmith alone about an hour earlier. Goldman then called me up at the Marseilles Hotel and related what the Italian had told him and Goldsmith. Goldman stated to me that he had made an appointment with Vucci for me to see Vucci the next day at 5 o'clock and talk with him about the matter. Accordingly at 5 o'clock the next afternoon Goldman and I called to see Vucci at his barber shop and heard from him the same story of the shifting and substitution of the ballots that he had told Goldsmith first and afterwards Goldsmith and Goldman together the evening before. I requested Vucci to come before my notary public and testify to what he had seen. Vucci was surprised at learning there was a contested election case of Chandler v. Bloom and begged to be excused from testifying because he said that Tammany Hall would boycott him and ruin his business.

The testimony of Herman Glodman concerning the conversation with Vucci in the matter of the 34 missing ballots is in part as follows:

Q. Do you remember the last meeting of the Liberty Republican Club?—A. I do.

Q. Do you remember meeting Mr. Herman Goldsmith there and having a conversation with him?—A. Yes, sir.

Q. Will you state what the conversation was and relate the events of that evening that grew out of that conversation?—A. This was on Monday, the 30th day of July. I walked over toward the club, got there about five minutes of 8 and met Goldsmith, and Goldsmith told me he had just come from a barber shop in Madison Avenue, in which he says that this barber had told him there had been a lot of funny work going around at the election—that they had been stealing ballots there. I said, "Let's take a walk around there." I walked around there with Goldsmith and met Mr. Vucci. When we got there it must have been about a few minutes past 8, and he had somebody in the chair, and we waited until he got through with his party, and we were left alone in the store. I sat down with Mr. Vucci and said, "Mr. Vucci, what was the trouble that took place on the special election?" Well, he says, the inspector was standing by the ballot box, and the voters come in from the booth and would give them a ballot, and if the voter stood there he would throw the ballot right into the box. If the voter walked out, he says, he would take the ballot and hold it down at his side in this way [indicating] and open it up and look at it. If it was all right for his party he would put it in the box. If it was no good for his party he would put it in his pocket. I said, "How many times did you see him do that?" "Oh," he says, "quite a few times." "Well," I says, "I would like to have you tell this story just as you choose—just as you explained it to me—to Congressman Chandler. Do you want me to bring him over here, or do you care to see him?" "It is all right," he says, "I am here all the time. You can bring him here." Well, I called up Congressman Chandler about 8.45 that same night and told him, "I guess the mystery of the missing ballots in the thirtieth election district is solved." And he wanted all details, and I explained to him over the phone. The next afternoon, the following day, on the 31st, about 5 or a quarter past 5 o'clock that afternoon, Congressman Chandler and myself went to Vucci's barber shop and walked into the rear room. He took us into the rear room and he explained the same story just exactly as he told it to me to Congressman Chandler. After he got through with his story Congressman Chandler says, "Well, now, I will have to subpoena you to our hearing in regard to all these facts about which you told us." And with that he seemed to be scared. "No, no," he said, "I can't do that; it will get me into a lot of trouble." He says, "What do you mean that will get you into trouble?" He says, "If I send anybody to jail that would get me in trouble; that would kill my business." We tried to reassure him that no harm would come to him, but the old man seemed to be very scared.

And again on cross-examination as follows:

Q. I ask you, would it be possible for that inspector to put a Bloom ballot in his pocket?—A. No.

Q. Why not?—A. Because Dave Mayer and George Waas—I don't know Dave Mayer personally, but I know his reputation in the inner workings elections as being a great switcher of ballots, and with Dave Mayer being there, there is no chance of anybody putting a Bloom ballot in his pocket.

And again:

Q. Mr. Goldman, I ask you why you say that Mr. Mayer's reputation is such that you know he is crooked around an election board?—A. Why, I have been hearing it for quite a number of years.

Q. You of your own personal knowledge know nothing about Mayer, do you?—A. I don't know him.

Q. And you simply base your information on what you hear from your Republican coworkers?—A. And also from a few Democratic inspectors that worked with Mayer on the board.

The attention of the House is called at this time to the fact that Goldsmith testified that Dave Mayer had been brought

into the thirtieth election district as an assistant to George Waas, the regular Democratic captain. Are we not justified in asking whether he was imported into that district that day for the purpose of shifting ballots, a work that rumor and reputation say that he is eminently well fitted for by long practice and experience?

Again, Mayer seems to have unwittingly confessed that he was connected with the shifting of these ballots in some way, for when he called Goldsmith over to the bootblack stand he said, according to Goldsmith, "Come over here. What are you trying to do—railroad me?"

There is a touch of grim humor in this situation at the bootblack stand. It seems that Goldsmith had never mentioned Mayer's name, and yet Mayer felt that he was being railroaded by Goldsmith. Is it not a case of the old adage, "The guilty flee when no man pursueth"? And again, that, "The guilty conscience needs no accuser"?

To refresh your memory I will read to you Goldsmith's testimony on this point:

Q. Do you know the Democratic captain of that district, Dave Mayer?—A. No; Dave Mayer; he was acting captain.

Q. Did you meet Dave Mayer last Wednesday evening?—A. Yes.

Q. Where did you meet him?—A. On the corner of One hundred and twelfth Street and Madison Avenue; he was taking a shine.

Q. What did he say to you?—A. He insulted me. He called me over, "Hey, come here," and he called me all kinds of names. I decline to mention such names. He said, "Come over here. What are you trying to do—railroad me?" I said, "I never spoke a word about you in all my experience." He said, "What are you trying to do? You know Vucci; he will never squeal." And I said, "I am not asking whether he will squeal or not; but you have no right to insult me." He says, "You will have to be careful or I will put a bullet through you; and if I don't somebody will." I said, "I am surprised at you. I never mentioned your name at all." And I was sore, and I went over to Vucci and said, "What is the matter? Did you speak to Dave Mayer about me?" And he said, "No; I never said no word—no word." And I said, "Then why does he insult me?" And he did not answer, and I went away.

This interesting testimony indicates unmistakably that Dave Mayer, the widely known expert on ballot shifting and substitution, had something to do with the criminal handling of these 34 missing ballots.

I firmly believe, gentlemen of the House, and I ask you to agree with me, that the record shows that 34 ballots were stolen from the pile of unvoted ballots in the thirtieth election district of the seventeenth assembly district and were voted for Sol Bloom, the contestee, by what is known as shifting and substitution of ballots. This method is simple in principle, although it may be difficult in execution, and may require a kind of cunning or sleight of hand, such as the pickpocket usually acquires, in order to escape detection. In the case of the 34 ballots they were simply marked for Bloom and held to be substituted for Chandler ballots that Vucci saw the Democratic clerk putting in his pocket. The New York official ballot is not numbered. Only the stub is numbered, and when the ballot is detached from the stub there is no way of telling it from any other ballot, so far as a number is concerned. The Democratic inspector whom Vucci saw putting Chandler ballots in his pocket put only the ballot part in his pocket. He put the Chandler stub in the stub box and substituted for the Chandler ballot a Bloom ballot, having torn the Bloom ballot from the Bloom stub. He then at a convenient time destroyed the Chandler ballot and the Bloom stub.

The result was that the ballots all looked alike in the box except that 34 had Bloom marks on them that should have had Chandler marks, or rather 34 Chandler ballots remained outside the box that should have gone into it. By placing the Chandler stubs in the box a perfect uniformity of numbers was maintained in the stub box and detection of the fraud was impossible unless the shifting was discovered—as Vucci did—or unless missing ballots were found by a recount after the election of the unvoted ballots, as was the case of the missing ballots of the thirtieth election district. Fortunately, contestant has both ocular or oral testimony and official recount proof that ballots were stolen and voted to his disadvantage and loss.

Again, the majority report declares that the poll of the thirtieth election district of the seventeenth assembly district should be rejected because there was a deliberately false and fraudulent return of votes by the board of inspectors of this election district.

A close examination of the recount figures and corrections when compared with the official returns must convince you,

gentlemen of the House, that the poll of the thirtieth election district must be rejected under all the precedents of Congress.

Your attention is called, first, to contestant's Exhibit J, of October 6, 1923. This is the official signature registry book used at the special election for entering signatures of voters in the thirtieth election district of the seventeenth assembly district. This book shows only 248 voters that day in that district. Again the attention of the House is called to the fact that the recount of stubs in that district showed an extreme number of 248. And yet the returns showed 250 votes cast. How could this be unless there was either mistake or fraud in the canvass and the return of the votes?

An examination of the record, both oral testimony and recount figures, will shut out the thought of mistake and leave only the conclusion of fraud. In the first place, there were six void ballots, all of them marked with a cross after the name of Bloom and not one of them having a cross in the voting space. All of these ballots were so clearly invalid under the New York law that there was no ground for honest difference of opinion among election inspectors as to their validity, and yet all these ballots were counted for Bloom over the protests of the Republican inspectors and the Republican captain.

In the next place, fraud is clearly shown in the counting for Bloom of two ballots marked "void and not counted." The inspectors conceded that these were void and marked them "void," and contestee's attorney conceded them void at the recount, and still they, too, were counted for Bloom. Is not this clear proof that the Democratic inspectors were determined, by fair means or foul, to pile up a big vote for Bloom in that district that day?

Incidentally the attention of the House might be called to the fact that the recount of the stubs of this election district showed Nos. 79, 80, 81, 82, and 85 missing. Is it possible that in the confusion and embarrassment of shifting and substituting it was forgotten to put these stubs in the stub box?

Under the tests laid down in *Reid v. Julian* I respectfully suggest to you that the majority members of the committee were entirely right when they recommended the rejection of the poll of the thirtieth election district of the seventeenth assembly district, on account of theft and false voting of ballots and because of a deliberately false return made by the election inspectors.

I come now to discuss with you, gentlemen of the House of Representatives, the recommendation made by the majority report that the poll of the thirty-first election district of the seventeenth assembly district be rejected because of numerous irregularities, frauds, and crimes committed by Tammany election officers and workers in that district at the special election.

By way of summary and recapitulation, permit me to say that the majority members recommended the rejection of the poll of this district because the board of inspectors was illegally constituted and organized; because there was electioneering within the prohibited area; because the secrecy of the ballot was openly violated by the Tammany election officers; because the Democratic inspectors deliberately tore, erased, and mutilated many ballots, thus violating the secrecy of the ballot and furnishing proof of a criminal conspiracy to corrupt voters in violation of both the civil and criminal election laws of New York; because such methods of intimidation were employed by the Democratic election officers and workers in said election district that the Republican officers and workers were prevented from properly performing their official duties, thus destroying freedom of official action and rendering unreliable the election returns from said district; and because the canvass of the ballots and the preparation of the tally sheets were in flagrant violation of the election laws of New York.

The time remaining at my disposal will not permit me to read very much of the testimony in the record supporting these charges. I shall have to state the substance of the testimony and refer to the page of the record where it may be found. I wish to call your attention at this time to an evident act of lawlessness at the opening of the polls, in setting a clock ahead some 15 minutes in order to organize the board of inspectors illegally and to prevent the participation in the organization and to prevent the becoming a member of the board of inspectors of a woman, Leah Levinson, of whom they doubtless already knew something, and whose fearless honesty they dreaded in the conduct of an election in which they had already doubtless formed a criminal conspiracy to commit numerous crimes against the election laws of New York. The record of evidence in this cause will show how this brave and determined little woman threw herself almost bodily between corrupt Tammany election officials and the election laws of New York which they were seeking to violate. The record discloses that she

first protested against an illegal organization of the board, that she then protested against electioneering in the polling place (Rec. p. 159), then against violation of the secrecy of the ballot (Rec. p. 160), and finally in the evening crowned her protests of the entire day, on account of the rascally methods of counting the ballots and the preparation of the tally sheets, by flatly refusing to sign the election returns as a member of the board of inspectors (Rec. p. 161).

In this election district one of the witnesses, Emanuel Moser, swore that one of the Democratic captains stood at the head of the line of voters in the polling place, and from a large brown ulster overcoat, which he wore, drew cigars and canvassing cards and gave to each voter as he passed, pointing to the picture of Bloom on the card with one hand as he handed the cigar to the voter with the other. This testimony is found on page 255 of the record. The witness Goldsmith declared that this handing out of card and cigar continued throughout the day as long as voters came in. His testimony will be found on page 231 of the record. Goldsmith also testified that one of the Democratic watchers, one of the Wagner brothers, supplied voters with whisky in the polling place during the special election day. This testimony may be found on page 232 of the record. Another witness, Abraham W. Eckstein, testified that Bloom banners were displayed in violation of law in the windows of the polling place. His testimony may be found on page 508 of the record. The officer in charge of the polling place, Joseph F. Frey, admitted that he had allowed a large Bloom banner to remain on the street in front of the polling place and within the 100-foot limit until the captain of the thirty-ninth precinct came along and ordered him to take it away.

In addition to these various kinds of electioneering within the polling place, the Democratic captains are shown by the evidence to have made speeches to and argued all day with the voters against me, the contestant herein, because of certain votes that I had cast in Congress. This speech making and electioneering within the polling place was vigorously protested against by the Republican workers but was permitted by the officer and continued practically all day.

Again, the majority report recommends that the poll of the thirty-first election district of the seventeenth assembly district should be rejected because the secrecy of the ballot was openly violated in said election district by the Democratic election officers in violation of the election laws of New York.

A violation of the secrecy of the ballot by an election officer or watcher is made a crime by New York law. I refer you to section 762 of the New York Penal Code. Also, under the precedents of the House, a violation of the secrecy of the ballot is in most cases a cause for rejecting the polls of the voting precinct in which it happens.

It seems that in this particular election district the Tammany officials were bold and brazen enough in their methods to keep an open tally of the votes as they were cast during the day, without waiting for the closing of the polls at night to count the votes, as the law required. The following testimony of Leah Levinson, Republican inspector, is relevant in this connection:

Q. Now, you said the person receiving the ballots from each voter will tear off the stubs and deposit the ballots in the box, and that he was a Democratic inspector?—A. Yes, sir.

Q. Did you observe the manner in which he performed these duties as to the tearing of the stubs and the way he deposited the ballots in the box and what he did with reference thereto?—A. When he received the ballots he tore off the stubs and with that possibly checked off what party he was voting for.

Q. You mean to say, and do I understand you correctly, that in tearing off these stubs from the ballot partly opened the ballot so that he could look down at?—A. Glanced right in it.

Q. And then you say he did what?—A. Any party who voted, he tallied, kept a memorandum to see how many votes were for Chandler and how many for Bloom and how many for Zauser.

Q. Did you remonstrate with this inspector when he did that?—A. I said, "What are you doing?" He said, "Oh, it is all right."

The witness Herman Goldsmith corroborates Leah Levinson as to this tally or "flash" that the Tammany inspectors were keeping during the day. His testimony is in part as follows:

Q. At any time during the day did you happen to have a chance to notice this "flash," which you say they were taking?—A. Yes, sir; they kept that up right along.

Q. What did you say?—A. When I went over there I looked at the "flash"; I seen 73 votes for Chandler; and there was about 40 votes for the Socialist; there was quite a big lot of Democrats; I paid no attention; one of the Wagner boys said, "Too damned much of it."

Q. He counted the votes, or you saw about 73?—A. That is according to their estimate, and I looked it over; they had it in fives, tallied.

Q. At any time on that day?—A. Seventy-three about 3 o'clock.

Q. He made the remark, "He has already got too damned much"?—A. Yes, sir.

Q. Who made it?—A. One of the Wagner brothers.

This tallying of votes during the day, in violation of law, which has been testified to by both Leah Levinson and Herman Goldsmith seems to have been for the general information and use of the Tammany election inspectors. Another method employed by them in violation of the secrecy of the ballot that was doubtless intended to identify a certain class of corrupted voters was to tear, jag, erase, and mutilate ballots. This was done during the day as the result of an agreement or conspiracy formed in the early morning between the two Tammany inspectors. The following extract from the testimony of Barnett Taube, one of the Republican inspectors, is directly in point:

Q. Now, during the day did you notice anyone passing any signals?—A. Yes, sir.

Q. Whom did you notice passing signals?—A. "The Baron," or Rothschild.

Q. And in what manner did he pass those signals?—A. By tipping his hat to the chairman of the board who had charge of the ballot box.

Q. Now, did you know the political affiliation of some of the people who came in to vote on that day?—A. I did not know, but I could surmise.

Q. Did you have the enrollment before you of the voters that came in?—A. No, sir.

Q. Describe in your own way the manner of tipping his hat and with respect to the class of voters.—A. Soon after the board had organized and people came in to vote I saw the chairman of the board, Levine, and this "Baron," as he was called, in a conference, whispering together, and so the time they were whispering the "Baron" touched his hat as if to let Levine know that was the signal to be agreed upon. Levine went back to his station at the box, and when a man came in to vote, whom they thought to be a Democratic voter, of course, Levine had the book in front of him and knew from the enrollment whether he was a Democrat, Republican, or Socialist. The stubs were torn accordingly. If a Democratic voter, torn evenly and straight. If, however, of a different political faith, in a jagged manner, very slightly. I didn't know the reason for it, but so it went on all day, and I saw the "Baron" tipping his hat.

At this point I respectfully request the House to review and reconsider the testimony of Leah Levinson and Herman Goldsmith in connection with the testimony of Barnett Taube. The corroborating testimony of these three witnesses, each one of the other two, is perfect and makes a complete case of conspiracy to carry out an illegal purpose.

Before the recount the witness, Taube, made an affidavit describing how the two Democratic inspectors had conspired in a whispered conference at the opening of the polls, to tear and jag the ballots in certain cases, and how the Tammany chairman of the board had actually torn and jagged them.

At the time of the recount one of the clerks of the board of elections, Mr. Arthur R. Climo, at the request of the contestant herein, supervised the counting of the stubs of the thirty-first election district of the seventeenth assembly district. The result of that count is thus described in the testimony of Mr. Climo:

Q. Did you personally supervise the counting of the stubs of the thirty-first election district of the seventeenth assembly district?—A. Yes, sir.

Q. And, at the request of the contestant in this case, did you put aside in one pile all badly torn or jagged ballot stubs that were taken from the district?—A. Yes, sir.

Q. And when the count or canvass of the stubs of the thirty-first election district had been completed and the badly jagged stubs had been placed aside in one pile, can you give an estimate now, at this time, of about how many there were?—A. Offhand, about 25 or 30.

Q. Those that were not—a good many that were not badly jagged were put back in the ballot boxes, were they not?—A. Yes, sir.

Q. Without being counted in this pile?—A. Yes, sir.

This testimony of the witness, Climo, corroborates completely the ex parte affidavit as well as the oral testimony under cross-examination of the witness, Barnett Taube, and proves conclusively that all said by Taube was the truth.

It, then, only remains for the Members of the House to consider the character of the offense under the laws, State and Federal, applicable in such cases. The general political purpose of statutes to preserve secrecy of the ballot is undoubtedly to create and maintain freedom of suffrage and independent voting, to promote disinterested patriotism, and destroy narrow

partisanship, but the chief legal reason, as the decisions of many courts, State and Federal, conclusively show, is to prevent bribery at elections by rendering it impossible for the bribers to know whether the bribed have kept the guilty agreement.

The New York ballot reform act, according to a decision of the highest court of the State, was intended to preserve the absolute secrecy of the ballot and thereby prevent bribery. Even the dissenting opinion in the case which I now cite held that bribery could be stamped out by a rigid application of the law. I beg to refer you to the case of *The People ex rel. Nichols v. Board of Canvassers* (129 N. Y. 395).

If the underlying reason of the New York ballot reform act, as interpreted by the courts, is sound, are we not justified in concluding that, in the matter of the violation of the secrecy of the ballot by the Tammany officers of election, there had been bribery and corrupt practices in the thirty-first election district of the seventeenth assembly district? What was the purpose, we may ask, of keeping a tally and in jaggling ballots all day if it was not to identify voters? Why did they wish to identify voters, we may further ask, if it was not to ascertain whether bribery agreements had been faithfully kept?

In a neighboring election district, only a block away from the thirty-first election district, the twenty-ninth election district of the seventeenth assembly district, the Democratic election officers also violated the secrecy of the ballot throughout the special election day. The hurtful character of this lawless practice is well illustrated by the testimony of Mrs. Ceal Weston, one of the Republican inspectors of the twenty-ninth election district, who testified, in part, as follows:

Q. I will ask you if you can name some particular persons and then state whether you heard this said by people on the street, whose names you did not mention?—A. I heard people say they don't want to come in to vote because the ballots are opened—mostly all the ballots.

Q. Do you remember any particular families that told you they refused to go over to vote because they were examining ballots?—A. Some in my house—Mrs. Klein, and Mr. and Mrs. Marks. They didn't want to go down to vote because they didn't want everybody to know who they voted for, and they heard all the ballots in the polling place were opened, and they did not want to come in.

Q. And they did not vote because of that fact?—A. They did not want to vote at all.

Q. Did you also hear this talk in the street after the election?—A. Yes; quite a few people did not come on the special election because the ballots were opened, and some that had voted said they were sorry they had, because the ballots had been opened.

If these bad results followed violation of the secrecy of the ballot in the twenty-ninth district, is it unreasonable to contend that the same bad results followed in the thirty-first election district, only a block or two away, considering that the voters of the two districts are close neighbors and meet and mingle day and night in social converse? There was more complete and more flagrant violation of the secrecy of the ballot in the thirty-first district than in the twenty-ninth election district, and the results were doubtless much worse and kept many more voters away from the polls.

Again, the members of the committee in their majority report have declared that the poll of the thirty-first election district of the seventeenth assembly district should be rejected because the canvass and counting of the ballots and the preparation of the tally sheets were in flagrant violation of the election laws of New York.

The irregularities, frauds, and crimes committed in this particular district at the special election moved in an ascending scale and reached their culminating point in a deliberately false count of votes, in a false preparation of the tally sheets, and in the signing of false and fraudulent election returns.

The election laws of New York—sections 216, 217—prescribe very clearly the method of canvassing and tallying votes at an election. The ballots are required to be taken from the box and placed on the table face down. The chairman of the board of inspectors is then required to take up each ballot in order, turn it face up, and announce loudly and distinctly the candidate voted for. Each of the poll clerks is then required to immediately tally each vote in black ink, with a downward stroke from right to left upon the official tally sheet. When an error is detected in the tallying of votes at the close of the tally, the clerks are required to recanvass and retally the votes, this time in red ink from left to right across the previous tally marks. (Sec. 217.)

It is further provided that—

if objection be taken to the counting of any ballot or as to the counting thereof with respect to one or more specified offices, party positions, or questions, the board of inspectors shall forthwith and before canvassing any other ballot or section rule upon the objection. (Sec. 220.)

These provisions of the law are very clear in their requirements and their intention leaves no doubt. Their evident purpose is to secure an honest count and an accurate tally of votes by the very method of calling loudly and distinctly and one at a time each vote cast in order that an accurate tally may be kept by representatives of opposing parties, and, furthermore, to permit objection to each ballot, if desired, by the inspectors. In case of objection the law requires that—

the board of inspectors shall forthwith and before canvassing any other ballot or section rule upon the objection. (Sec. 220.)

The record discloses that this method of canvassing and tallying votes was totally disregarded at the special election in the thirty-first election district of the seventeenth assembly district. The inspector, George Rothschild, otherwise known as "George Baron," when his criminal record is considered, counted the ballots designedly with such speed that the other inspectors of election could not keep up with him, and the tally clerks found it absolutely impossible to make a correct tally of the votes. The result was a false and fraudulent counting of the ballots and a radically erroneous tallying of the votes, as the evidence clearly indicates.

The following testimony of Mrs. Leah Levinson is appropriate and pertinent:

Q. I want you to tell us, Mrs. Levinson, in your own words, as briefly and concisely as possible, all that took place, and, wherever you can, state what each person said and did; and if you can not recall the exact words, state the substance of what was said. Will you kindly do that?—A. Well, one of the Democratic inspectors was at one table, and I was right opposite him, and I saw a crowd around; Mr. Taube was not near. The parties, whosoever they were, in back of the ballot clerk; and I had one side of the table, and some Republican watchers. I was crowded around by some Democratic watchers. "Well," I said, "who is going to count the ballots?" The Democratic inspector said, "I am."

Q. Who was that—the chairman?—A. The chairman of the board. Q. Do you recall the name? A. They addressed him as the "Baron" all during the day. I don't know his name. Well, finally he started counting off the votes. He rattled them off like lightning. I said, "Let us—I can not get a few of them ballots." He said "All right." I said, "Have I no say here?" He said, "Shut up." He continued to keep that up. Finally he got very dry and I saw somebody give him a drink of water and a glass. I noticed one or two ballots—one name was called off for Chandler and one was called off for Bloom and one for the Socialist Party—called off for Bloom. He kept rattling them off so fast that I put my hand on one of the ballots and said to him, "You are not going to proceed. I want to get a better view." He didn't take the ballot face down but like a leaf book. I said, "That is no way to count ballots." One of those present stated that my hands were dirty. I said "My hands won't soil these ballots; it is dry ink that is on them." Then he started off the count again, and I couldn't get a glimpse of the ballots to save my life.

That the Tammany chairman of the board counted the ballots so fast that nobody could keep up with him, and that his object in counting them so fast was to count both Chandler and Zausner ballots for Bloom is evident from the testimony of Herman Goldsmith, who very strongly corroborates Leah Levinson in his testimony, which, in part, was as follows:

Q. Will you tell us about the count; who counted the ballots?—A. A fellow by the name of George Rothschild, a Democrat, acting as chairman.

Q. Will you describe the manner in which he counted the ballots?—A. He had the ballots face up, like this [illustrating], and had both hands like this [illustrating]. He was going so fast I stopped him several times. I said, "Wait a minute." He would not pay any attention to me. I glanced at one for Chandler. I said, "Stop there." He said, "I made a mistake." The one he counted for Bloom, he never took that off. About 10 minutes after I caught him with another for Chandler. He says "Excuse me."

Q. And with the exception of the two votes that you called attention to, where the inspectors had passed a Chandler vote as a Bloom vote.—A. A few of them, not one—many of them. I caught two, and probably I didn't catch enough, because they went too fast. It was impossible.

Q. Will you swear there were many?—A. Many more than two.

Q. Will you swear there were more than two?—A. That they overlooked? Certainly, I will swear there were more than two.

Q. How many did you see of the Chandler votes?—A. I caught two myself.

Q. Will you state of your own knowledge that there were more than two of these occasions when a vote was counted for Bloom and called back to be counted for Chandler?—A. Not called back; I didn't see enough; there was more than that; I could not get my eye on them fast enough—two of them I got.

Q. You didn't see more than two?—A. They went too fast for me. That is all I seen, two.

Q. And when you called their attention to that they stopped?—A. Yes, sir.

Q. And the vote was counted for Chandler?—A. Chandler, but they didn't take it off of Bloom's; they both got the benefit of that.

The testimony of Levinson, Taube, and Goldsmith discloses that they warned Rothschild that he was counting both Zausner and Chandler ballots for Bloom and forced him to make occasional corrections. Nevertheless, the recount showed that he had succeeded, in moments of rapid count, over their protests, and under their very noses, in crediting Bloom with five ballots that belonged to Zausner and with four ballots that belonged to Chandler.

I wish to call your attention further to the 10 erased ballots that were counted for Bloom. The counting of these ballots for Bloom furnishes conclusive proof of the rascality of the Tammany election inspectors in the conduct of the election and in the counting and tallying of the votes. Contestee's attorney, contestant is convinced, made a fatal admission when he asserted (Rec. p. 13) that voters had not made these erasures. He is perfectly right in this admission, for there were not more than 20 erasures of ballots (18 in all, if contestant has not erred in calculation) in the nearly 37,000 votes cast in the 156 election districts, and 10 of these 18 were found in one election district. Does it not excite deep suspicion, we may ask, that 10 erased ballots were found in one election district and only 8 were found scattered throughout the other 155? Erased ballots by voters are reduced to practically nothing by the instructions that they receive, under the law, to return erased or spoiled ballots and secure others before finally handing them to the ballot clerk. And there is nothing else to conclude reasonably but that these 10 ballots were not erased by voters, as Mr. Bernstein admitted, but that they were erased by election officers who had the ballots in control.

It will be remembered that the witness Goldsmith testified that he saw the private tally kept by the Tammany chairman at 3 o'clock in the afternoon; that this tally showed that Chandler had 73 votes at that time; and that one of the Democratic workers or inspectors made the remark, "He (meaning Chandler) has already got too damned much." It is most reasonable to suppose that the determination was then formed not to allow "too damned much" to still further grow, but to reduce it in some way. Now, if we may suppose that the 73 votes reported was what Chandler actually had at 3 o'clock and that he received 2 more votes during the day, this would give him a total of 75. If we may suppose further that in order to keep him from having "too damned much" 10 of his ballots were erased, this would leave the 65 that the recount gave him.

I have here in front of me, gentlemen of the House, pinned to a blackboard for your inspection, the 10 erased ballots. These ballots are visible, tangible evidence of crime. The erased crosses are clearly visible and show that they were made by 10 different persons, namely, voters who voted for me. The crosses placed above in front of Bloom's name, after those in front of my name had been erased were undoubtedly made by one person, using a single pencil. These facts can not be doubted and they tell their own tale of crime committed.

I have here also in front of me for your examination the tally sheets of the thirty-first election district of the seventeenth assembly district. These tally sheets in their false markings, incorrect totals, and physical erasures and mutilations will show to you more plainly than anything else the character of the fraud perpetrated in the thirty-first election district.

I also wish to call your attention to the fact that the recount in the thirty-first election district gave me a certain net gain of 25 votes, and I wish to remind you that the very discrepancy itself between the official and the recount figures must be, under many precedents of the House, taken as evidence and proof of fraud.

I wish further to call your attention to the very startling fact that not a single sworn Democratic officer that served in that election district at the special election was secured to give testimony in behalf of the contestee. The entire record is as silent as the tomb as far as any voice as witnesses—from these gentlemen—is concerned. Only unofficial, unsworn Tammany workers were procured by contestee to testify for him. Election officers, against whom a felony indictment could be returned for making false election returns, were strangely absent, and their voices were strangely silent.

We can easily account for the absence of one of them, the man who repeatedly insulted and threatened Leah Levinson, the only lady member of the board, the man who did the rapid and fraudulent counting. He was already under indictment for a felony offense and was wanted by the police, who had a bench warrant for his arrest. His appearance in a public place would have been equivalent of a loss of his liberty for years to come. But we can not account for the absence of the other Tammany inspector and of the Tammany poll clerk from the witness stand unless they, too, knew that they had prepared or helped to prepare a false tally sheet and false election returns, and that they, too, were guilty under the law.

I beg to submit in closing, gentlemen of the House, that the members of the committee in their majority report were fully justified in recommending that the poll of the thirty-first election district of the seventeenth assembly district be rejected on account of numerous frauds and crimes committed in that district at the special election.

I want also to protest at this time against the evident inconsistency, insincerity, and unfairness on the part of the minority members of the committee in seeking to mislead you by quoting partial and garbled extracts from the testimony of Mr. Robert Oppenheim, the Republican leader of the seventeenth assembly district, from which they contend that he knew nothing of the crimes committed in his district that day. Nothing could be more unworthy of the members of committees of this House than to seek to mislead Members of the House in their committee reports by partial and garbled excerpts from testimony.

It is true that Mr. Oppenheim stated on cross-examination that in walking over his assembly district, from election district to election district, on special election day, and stopping only a few minutes at a time, he heard nothing of crimes being committed that day. But on redirect examination he admitted that he had heard of many crimes committed, on the night of the election when his captains came in and began to make reports, and it must be well understood that it was at the time of the counting and canvassing of the ballots in the evening that most of the crimes would be committed and that others committed during the day would be discovered.

Because the minority members of the committee have seen fit to place in their report the cross-examination of Mr. Oppenheim, I must ask you to indulge me while I read to you and incorporate in my speech his redirect examination and portions of his recross-examination, as follows:

Q. You made your trips around, spending only a few minutes at each election district?—A. That is all.

Q. How many election precincts are there in your assembly district, that are in the nineteenth congressional district? To refresh your recollection, there are 23, are there not?—A. Twenty-two or 23.

Q. And you devoted your time among those and then appeared at the club frequently?—A. Yes.

Q. Any amount of fraud might have been perpetrated while you were not at the these polling places that you personally would not know anything about, is that not true?—A. Certainly.

Q. The polls opened at 6 o'clock and closed at 6 p. m. in the twenty-fifth election district of the seventeenth assembly district, and if Levine did anything, or anyone else had perpetrated any fraud at the time you were not there you naturally would not know anything about it?—A. No, sir; I would not know anything about it.

Q. You personally would not know anything about it?—A. Certainly.

Q. And if they chased your captain man out, it would be difficult for him to know anything about it?—A. Certainly.

Redirect examination:

Q. Mr. Oppenheim, you say you heard no report of fraud or crime on election day; but since the election your captains and workers reported to you the commission of fraud in certain districts?

Objection.

Q. Mr. Oppenheim, will you answer the question? Subsequent to the counting of the ballots, subsequent to election day, you did hear of the commission of fraud in various election districts, did you not?—A. Well, there were reports.

Q. You heard of alleged irregularities and particularly in the thirty-first election district, did you not?—A. Yes.

Q. Also in the thirtieth?—A. Yes.

Q. And in the twenty-ninth election district?—A. Yes.

Q. The twenty-fifth?—A. Yes. I didn't see it. The reports came to me that way.

Recross-examination:

Q. What frauds and irregularities did you hear of in the thirty-first election district?—A. Well, it was only a general statement. It wasn't simply the thirty-first. They all said the same thing, the reports did, that they had held out a lot of ballots.

I wonder if they were talking about those 34 ballots, in which they held out Chandler ballots, if some of his men had actually seen that and had not reported it. [Reading:]

Q. I am asking you what reports you heard of any frauds or irregularities in the thirty-first election district?—A. I can not specify as to the election districts.

Q. Did you ask Lieberman about the irregularity in the count in that district?—A. No; because there were so many reports coming in that I did not try to verify it.

Q. What do you mean by "so many reports"?—A. From various workers in the district.

Q. In relation to what?—A. To holding out votes that were cast for Chandler, marking them up after they had been cast.

Q. Do you mean to tell me that you heard reports of ballots in the twenty-fifth election district having been marked up after the count?—A. I wouldn't say after the count. The work was done during the day.

Q. What work was done during the day?—A. What I just told you, if there was any.

Q. Did you report any of these irregularities to any of the officers of law charged with the duty of investigating ballot frauds?—A. I don't work that way.

Q. Did you?—A. No.

Q. Did you make any report of the information that came to you to the district attorney of New York?—A. I did not.

Q. Or to any police magistrate?—A. I did not.

Q. Did you investigate the reports that you say were brought to you?—A. No.

Q. You did not investigate them?—A. No.

Q. You don't know whether these reports were accurate or not?—A. No.

Q. And you don't know who made these reports to you?—A. I don't remember.

Q. You do not know of a single instance in which a report of irregularity was made to you anywhere?—A. Not unless I look up my record.

Q. Will you please look up your records and produce them?—A. If I have still got them.

Q. Well, did you make records of these things?—A. At that night.

Q. What records did you make that night?—A. Some one came in and say that so-and-so is the case. All right; I make a memorandum of it.

Q. What instance was reported to you, for instance, of so-and-so being the case?—A. In the twenty-fifth a couple of workers came from there and said after the count there were a lot of votes that were held out that were cast for Chandler. "How do you know?" "We seen them working." I made a memorandum.

Q. You made a memorandum of the names of the persons who reported it to you?—A. No; not until after the investigation started.

Q. What investigation?—A. The recount.

Q. You mean Mr. Chandler's contest?—A. Yes, sir.

Q. Up to that time you made no memorandum of any kind, did you?—A. I did the night of the election.

Q. You did the night of the election?—A. When the reports came in.

Q. You say you have that memorandum?—A. That I wouldn't want to say, either. I will look it up, Counselor.

Q. Did you report as to these irregularities or alleged irregularities to Mr. Chandler?—A. Yes.

Q. When?—A. A day or two after election.

He did the day after report them to me, the day after election, in all the districts that I contested. I saw him the next day or night at the club, and he told me about the twenty-ninth and thirty-first and said they were tainted. [Reading:]

Q. You can not of your own knowledge state what districts these reports related to, can you?—A. No.

Q. When you testified it was the twenty-ninth and the thirty-first and the thirtieth and the twenty-fifth, you only testified to those districts because Mr. Chandler included them in the question, didn't you?—A. No; I acted on the idea that I had given them that list of districts and those were the bad election districts.

Q. That you gave Mr. Chandler?—A. Yes; a couple of days after.

He is right about that. I went to him and asked him about it. I went over to the club. I think either he or one of the captains called me up—something of that kind—and I went over and he explained it to me and said, "The Levinson woman wouldn't sign in the thirty-first," and in the other they did something else. I says, "Was Dave Mayer in the thirtieth?" He is an old-time offender, just as Goldman says in his testimony, whenever there is a switch of ballots. Then he was asked:

Q. Now, what reports were made to you in relation to the thirty-first?—A. Why, she refused to sign; that is why I remember it so distinctly.

Q. Mrs. Levinson refused to sign the inspectors' reports?—A. Yes.

Q. That is all you heard about it?—A. No; I spoke to her and she said they were trying to steal some votes and she wouldn't sign.

Q. You knew your other inspector signed, didn't you?—A. Certainly.

Q. And you knew there was a recount of the votes, didn't you?—A. I don't know what the result of that was.

Q. Did Mrs. Levinson report to you in what manner they tried to get away with any votes?—A. She did, but I don't remember it now.

Q. You don't recollect that now?—A. No.

Q. When did Mrs. Levinson make this report to you?—A. The night of the election.

Q. Did you go out to investigate it?—A. What—right then and there?

Q. Yes.—A. No.

Q. Did you ever investigate it?—A. No.

Q. And the only report of irregularity that you refer to is the report that was made to you by Mrs. Levinson?—A. Yes.

Q. Do you know who your watcher was in the thirty-first election district?—A. No.

Q. You know that you had watchers there, don't you?—A. Certainly.

Q. You had watchers in all of your polling places?—A. Yes, sir.

Q. Isn't it a fact that it is usual, where trouble arises in respect to the count, for a telephone message being sent to the clubhouse asking for a watcher or for some assistance?—A. Yes, sir.

Q. Or a lawyer?—A. Yes, sir.

Q. Did you have any such requests from the thirty-first election district that night?—A. Yes, sir.

Q. From whom?—A. From my people down there.

Q. And did you send anybody down there?—A. I did.

Q. Whom did you send down there?—A. Mr. Goodman and some workers.

Q. And was Mr. Goodman and these workers there during the count?—No; I wouldn't say that.

Q. Mr. Goodman did go down there?—He went down after Mrs. Levinson refused to sign.

Q. He went down there?—A. Yes, sir.

Q. And tried to straighten it out?—A. Yes.

Q. Did he straighten it out?—A. He did not; he told her not to sign; that she was right.

Q. You are sure about that, Mr. Oppenheim?—A. That is the report that was given to me.

Q. You are sure that Mr. Goodman was down in that election district that night?—A. Yes; absolutely.

You will be able to judge, gentlemen of the House of Representatives, from this testimony of Mr. Oppenheim how thoroughly misleading were the extracts from his testimony furnished you in their report by the minority members of the committee. You will see from this testimony that Oppenheim heard the very night of the election, shortly after the polls closed, that numerous crimes had been committed in several election districts of his assembly district. He received this information from his captains and workers who brought him the reports, and I can assure you at this time that he reported them to me, either that night or on the following day, with the result that I brought this contest.

My time has about expired, gentlemen of the House, and I must close. It has been impossible to discuss all the irregularities, frauds, and crimes committed at the special election. In various elections districts in others than those mentioned in the majority report there was repeating and fraudulent conduct of election officers.

In the twenty-ninth election district of the seventeenth assembly district several witnesses testified that there was violation of the secrecy of the ballot as well as open corruption of voters with whisky and with money.

In the twenty-fifth election district of the seventeenth assembly district a "phoney" inspector impersonated one Hyman Cohen, the real Republican inspector who was appointed by the board of elections, but who was not present at the special election on account of illness that kept him in bed all day. The man who impersonated Hyman Cohen, as far as the record discloses, was never seen by anybody before election day and has never been seen by anybody since. His real name is not known, neither are his whereabouts known. His name may be just anything or that of anybody. He may have been an inhabitant and a resident of any State of the Union other than New York as far as the record discloses. Furthermore, he may have been an ex-convict or one of the vilest creatures known as far as any testimony discloses. That he knew that he was a criminal and that he had been guilty of criminal conduct at the special election is shown by the fact that the records of the board of elections show that he never applied for his \$15 fee as an election inspector. The \$15 and the police of New York City are still waiting for him at the bureau of elections when he does apply.

The record is replete with proof, direct and indirect, that fraudulent voting by repeaters was practiced on a large scale

at said special election in various election districts in the interest of Sol Bloom, the contestee herein. Not only were there individual cases of repeating in many election districts, but bands of so-called guerillas drove in automobiles, with Bloom's banners attached, over the district and voted and attempted to vote during the entire election day. So bold and brazen were they in their methods that at the polling place of the tenth election district of the eleventh assembly district they assaulted the policeman in charge, dragged him from the polling place and up the street for half a block, and were dispersed only when the reserves were called out from precinct 32, the One hundredth Street police station.

When the mob of guerillas had finally been dispersed three of the seven or eight who had assaulted the policeman ran and jumped into an automobile to which a large banner of Bloom was attached and drove hurriedly away. These men boasted during the mêlée that they were "gorillas," as they called themselves, and the policeman in charge of the polling place identified them as repeaters. This startling and almost unbelievable episode of the special election day is fully and graphically described in the testimony of the witnesses Cronin, Brodhead, and Carlisle, and may be found on pages 263, 305, and 314 of the record.

In several election districts Tammany crooks and criminals, who were either under indictment at the time or had recently been under indictment, conducted the election as election inspectors, clerks, or watchers. The record reveals their names, and it is not necessary to repeat them here. In the twenty-third election district of the eleventh assembly district one of the Tammany inspectors had been under indictment for grand larceny two years before and had the indictment dismissed through political "pull."

In the twenty-fifth election district of the seventeenth assembly district the Tammany election clerk had recently been under indictment as a pickpocket.

In the twenty-ninth election district of the seventeenth assembly district one of the Tammany inspectors of election at the special election had recently been under arrest for stealing an automobile. The owner of the automobile lived in Boston, and refused to come to New York to give testimony as a prosecuting witness. Having gotten his automobile back, he was satisfied to let the matter drop, and in this way the Tammany inspector escaped indictment, prosecution, and State's prison.

In the thirty-first election district of the seventeenth assembly district one of the Tammany inspectors of election and one of the Tammany watchers at the special election were then and are now under a felony indictment for election frauds committed two years before. Bench warrants are even now out for their arrest.

I respectfully submit to you, gentlemen of the House of Representatives, that Sol Bloom, contestee herein, should not be permitted to retain a seat that was gained by fraud and crime, such as the record in this proceeding very clearly discloses. I respectfully submit that you should not honor a commission handed him by crooks and criminals such as I have just described.

If you vote to permit him to retain his seat, you will deliberately stamp with your approval and with your sanction criminal activities that are a distinct menace to the purity of the ballot box and to fair elections, not only in New York City but everywhere. You will say to Tammany Hall: Do your worst. Steal ballots and vote them by substitution or otherwise. Lead repeaters to the polls and have them vote on other men's names. Corrupt voters with whisky and with money as long as you please. Allow election crooks to conduct your elections. Practice intimidation of the most brutal kind to your heart's content. Falsify your election returns if you wish, and do whatever else pleases you, although it be a flagrant violation of every law of New York that has been provided for the preservation of the purity of the ballot and for the conduct of fair elections. Do all these things, and we will approve your actions by our votes if a protest is offered or a contest is made.

I have brought this contest, gentlemen of the House, not merely to gratify my personal ambition to occupy a seat among you and to enjoy the small emoluments attached to the office. I have brought it also in the name of all the good people, of all the honest voters, Republicans and Democrats and Socialists, of the great State that I have had the honor in the past to represent in part. I have brought it in the name of lovers of good government and advocates of free institutions everywhere who believe that the election thief is the worst enemy of the Republic and that ballot corruption is the worst menace to the liberties of a free people. In the name of all these things I have brought this contest, and I want you to support me in it, to the end that

right and righteousness may prevail and that fraud may not mock and crime triumph in this the very citadel of the Nation.

I do not want Bloom's place if it fairly and honestly belongs to him. A congressional mantle would be a Nessus shirt of dishonor and of shame unless honestly won and worthily worn. I do not want this House to rob Bloom of anything that belongs to him. On the other hand, I do not want you to allow Tammany Hall to steal an election from me; and with this statement and this plea I leave the matter in your hands, gentlemen of the House of Representatives.

The SPEAKER. By unanimous consent, the previous question is ordered and the question first comes upon agreeing to the substitute offered by the gentleman from Texas, which the Clerk will report.

The Clerk read as follows:

Resolved, That Walter M. Chandler was not elected a Representative to the Sixty-eighth Congress from the nineteenth congressional district of the State of New York; and

Resolved, That Sol Bloom was elected a Representative to the Sixty-eighth Congress from the nineteenth congressional district of the State of New York.

The question was taken, and the Speaker announced the yeas seemed to have it.

Mr. GARRETT of Tennessee. Mr. Speaker, a division.

The House divided; and there were—yeas 210, noes 203.

Mr. ELLIOTT. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 210, nays 198, answered "present" 5, not voting 19, as follows:

YEAS—210

Abernethy	Dominick	Lazaro	Rankin
Allen	Doughton	Lea, Calif.	Rayburn
Allgood	Doyle	Lee, Ga.	Reed, Ark.
Almon	Drewry	Lilly	Richards
Arnold	Driver	Lindsay	Rogers, N. H.
Aswell	Eagan	Linthicum	Romjue
Ayres	Evans, Mont.	Logan	Rouse
Bankhead	Favrot	Lowrey	Rubey
Barkley	Fisher	Lozier	Sabath
Beck	Fulbright	Lyon	Salmon
Bell	Fulmer	McClintic	Sanders, Tex.
Black, N. Y.	Gallivan	McDuffie	Sandlin
Black, Tex.	Garner, Ind.	McKeown	Schafer
Bland	Garner, Tex.	McNulty	Schneider
Blanton	Garrett, Tenn.	McReynolds	Sears, Fla.
Bowling	Garrett, Tex.	McSwain	Shallenberger
Box	Gasque	McSweeney	Sherwood
Boyce	Geran	Major, Ill.	Sites
Boylan	Gilbert	Major, Mo.	Smithwick
Brand, Ga.	Glatfelter	Mansfield	Stegall
Briggs	Goldsborough	Martin	Stedman
Browne, N. J.	Greenwood	Mead	Stengle
Browning	Griffin	Milligan	Stevenson
Buchanan	Hammer	Minahan	Sullivan
Buckley	Harrison	Montague	Sumners, Tex.
Bulwinkle	Hastings	Mooney	Swank
Busby	Hayden	Moore, Ga.	Tague
Byrnes, S. C.	Hill, Ala.	Moore, Va.	Taylor, Colo.
Byrns, Tenn.	Hill, Wash.	Morehead	Taylor, W. Va.
Canfield	Hooker	Morris	Thomas, Ky.
Cannon	Howard, Nebr.	Morrow	Thomas, Okla.
Carew	Howard, Okla.	Nelson, Wis.	Tillman
Carter	Huddleston	Nolan	Tucker
Casey	Hudspeth	O'Brien	Tydings
Celler	Hull, Tenn.	O'Connell, N. Y.	Underwood
Claacy	Humphreys	O'Connell, R. I.	Upshaw
Cleary	Jacobstein	O'Connor, La.	Vinson, Ga.
Collier	Jeffers	O'Connor, N. Y.	Vinson, Ky.
Collins	Johnson, Ky.	O'Sullivan	Ward, N. C.
Connally, Tex.	Johnson, Tex.	Oldfield	Watkins
Connery	Johnson, W. Va.	Oliver, Ala.	Weaver
Cook	Jones	Oliver, N. Y.	Wefald
Corning	Jost	Park, Ga.	Weller
Crisp	Keller	Parks, Ark.	Williams, Tex.
Croll	Kent	Peavey	Wilson, Ind.
Crosser	Kerr	Peery	Wilson, La.
Cullen	Kincheloe	Pou	Wilson, Miss.
Cummings	Kindred	Prall	Wingo
Davey	Kunz	Quayle	Wolf
Davis, Tenn.	Kvale	Quin	Woodrum
Deal	Lanham	Ragon	Wright
Dickinson, Mo.	Lankford	Ralney	
Dickstein	Larsen, Ga.	Raker	

NAYS—198

Ackerman	Burtress	Dallinger	Fleetwood
Aldrich	Burton	Darrow	Foster
Andrew	Butler	Davis, Minn.	Frear
Anthony	Campbell	Dempsey	Fredericks
Bacharach	Chindblom	Denison	Free
Bacon	Christopherson	Dickinson, Iowa	Freeman
Barbour	Clague	Dowell	French
Beedy	Clarke, N. Y.	Dyer	Frothingham
Beers	Cole, Iowa	Edmonds	Fuller
Beggs	Cole, Ohio	Elliott	Funk
Bixler	Colton	Evans, Iowa	Garber
Boles	Connolly, Pa.	Fairchild	Gibson
Brand, Ohio	Cooper, Ohio	Fairfield	Gifford
Britten	Cooper, Wis.	Faust	Graham, Ill.
Browne, Wis.	Cramton	Fenn	Graham, Pa.
Brumm	Crowther	Fish	Green, Iowa
Burdick	Curry	Fitzgerald	Greene, Mass.

Griest	McLaughlin, Mich.	Reece	Thatcher	Parks, Ark.	Rouse	Stevenson	Ward, N. C.
Hadley	McLaughlin, Nebr.	Reed, N. Y.	Thompson	Peavey	Rubey	Sullivan	Watkins
Hardy	McLeod	Reid, Ill.	Tilson	Peery	Sabath	Summers, Tex.	Weaver
Haugen	MacGregor	Robinson, Iowa	Timberlake	Pou	Salmon	Swank	Wefald
Hawley	MacLafferty	Robson, Ky.	Tincher	Prall	Sanders, Tex.	Tague	Weller
Hersey	Madden	Rogers, Mass.	Tinkham	Quayle	Sandlin	Taylor, Colo.	Williams, Tex.
Hickey	Magee, N. Y.	Rosenbloom	Treadway	Quin	Schafer	Taylor, W. Va.	Wilson, Ind.
Hill, Md.	Magee, Pa.	Sanders, Ind.	Underhill	Ragon	Schneider	Thomas, Ky.	Wilson, La.
Hoch	Manlove	Sanders, N. Y.	Vaile	Raney	Sears, Fla.	Thomas, Okla.	Wilson, Miss.
Hull, Iowa	Mapes	Schall	Vare	Raker	Shallenberger	Tillman	Wingo
Hull, Morton D.	Merritt	Scott	Vestal	Rankin	Sherwood	Tucker	Wolff
James	Michener	Sears, Nebr.	Vincent, Mich.	Rayburn	Sites	Tydings	Woodrum
Johnson, S. Dak.	Miller, Ill.	Seger	Voigt	Reed, Ark.	Smithwick	Underwood	Wright
Johnson, Wash.	Miller, Wash.	Shreve	Wainwright	Richards	Steagall	Upshaw	
Kearns	Mills	Simmons	Ward, N. Y.	Rogers, N. H.	Stedman	Vinson, Ga.	
Kelly	Moore, Ill.	Sinnott	Watres	Romjue	Stengle	Vinson, Ky.	
Kendall	Moore, Ohio	Smith	Watson				
Ketcham	Moore, Ind.	Snell	Welsh				
Kiess	Morgan	Snyder	Wertz				
King	Morin	Speaks	White, Kans.				
Kopp	Mudd	Sproul, Ill.	White, Me.				
Kurtz	Murphy	Sproul, Kans.	Williams, Ill.				
LaGuardia	Nelson, Me.	Stalker	Williams, Mich.				
Lampert	Newton, Minn.	Stephens	Williamson				
Larson, Minn.	Newton, Mo.	Strong, Kans.	Winslow				
Leatherwood	Perkins	Strong, Pa.	Winter				
Leavitt	Perlman	Summers, Wash.	Wood				
Lehlbach	Phillips	Sweet	Woodruff				
Little	Porter	Swing	Wurzbach				
Longworth	Purnell	Swoope	Yates				
Luce	Ramseyer	Taber	Young				
McFadden	Ransley	Taylor, Tenn.					
McKenzie	Rathbone	Temple					

ANSWERED "PRESENT"—5

Berger	Lineberger	Patterson	Roach
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NOT VOTING—19

Anderson	Holaday	Langley	Sinclair
Cable	Hudson	Michaelson	Wason
Clark, Fla.	Hull, William E.	Paige	Wyant
Drane	Kahn	Parker	Zihlman
Hawes	Knutson	Reed, W. Va.	

So the substitute was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. Drane (for) with Mr. Patterson (against).
Mr. Hawes (for) with Mr. Roach (against).
Mr. Clark of Florida (for) with Mr. Wason (against).

Mr. PATTERSON. Mr. Speaker, I voted "no" on this proposition. I am paired with Mr. DRANE, of Florida. If he were present he would have voted "yea," and therefore I wish to withdraw my vote of "nay" and answer "present."

Mr. ROACH. Mr. Speaker, I voted "nay." I wish to withdraw my vote and be marked "present." I have a pair with my colleague from Missouri, Mr. HAWES, who is sick. I am advised that if he were present, he would vote "yea." If I were permitted to do so, I would vote "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the resolution as amended.

Mr. LONGWORTH. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 209, nays 198, answered "present" 3, not voting 22, as follows:

YEAS—209.

Abernethy	Collier	Griffin	Logan
Allen	Collins	Hammer	Lowrey
Allgood	Connally, Tex.	Harrison	Lozier
Almon	Connerly	Hastings	Lyon
Arnold	Cook	Hayden	McClintic
Aswell	Corning	Hill, Ala.	McDuffie
Ayres	Crisp	Hill, Wash.	McKeown
Bankhead	Croll	Hooker	McNulty
Barkley	Crosser	Howard, Nebr.	McReynolds
Beck	Cullen	Howard, Okla.	McSwain
Bell	Cummings	Huddleston	McSweeney
Black, N. Y.	Daye	Hudspeth	Major, Ill.
Black, Tex.	Davis, Tenn.	Hull, Tenn.	Major, Mo.
Bland	Deal	Humphreys	Mansfield
Blanton	Dickinson, Mo.	Jacobstein	Martin
Bowling	Dickstein	Jeffers	Mead
Box	Dominick	Johnson, Ky.	Milligan
Boyce	Doughton	Johnson, Tex.	Minahan
Boylan	Doyle	Johnson, W. Va.	Montague
Brand, Ga.	Drewry	Jones	Mooney
Briggs	Driver	Jost	Moore, Ga.
Browne, N. J.	Eagan	Keller	Moore, Va.
Browning	Evans, Mont.	Kent	Morehead
Buchanan	Favrot	Kerr	Morris
Buckley	Fisher	Kincheloe	Morrow
Bulwinkle	Fulbright	Kindred	Nelson, Wis.
Busby	Fulmer	Kunz	Nolan
Byrnes, S. C.	Gallivan	Kvale	O'Brien
Byrnes, Tenn.	Gardner, Ind.	Lanham	O'Connell, N. Y.
Canfield	Garner, Tex.	Lankford	O'Connell, R. I.
Cannon	Garrett, Tex.	Larsen, Ga.	O'Connor, La.
Carew	Gasque	Lazaro	O'Connor, N. Y.
Carter	Geran	Lea, Calif.	O'Sullivan
Casey	Gilbert	Lec, Ga.	Oldfield
Celler	Glatfelter	Lilly	Oliver, Ala.
Clancy	Goldsborough	Lindsay	Oliver, N. Y.
Cleary	Greenwood	Linthicum	Park, Ga.

NAYS—198.

Ackerman	Fitzgerald	Luce	Sinnott
Aldrich	Fleetwood	McFadden	Smith
Andrew	Foster	McKenzie	Snell
Anthony	Frear	McLaughlin, Mich.	Snyder
Bacharach	Fredericks	McLaughlin, Nebr.	Speaks
Bacon	Free	McLeod	Sproul, Ill.
Barbour	Freeman	MacGregor	Sproul, Kans.
Beedy	French	MacLafferty	Stalker
Beers	Frothingham	Madden	Stephens
Begg	Fuller	Magee, N. Y.	Strong, Kans.
Bixler	Funk	Magee, Pa.	Strong, Pa.
Boies	Garber	Manlove	Summers, Wash.
Brand, Ohio	Garrett, Tenn.	Mapes	Sweet
Britten	Gibson	Merritt	Swing
Browne, Wis.	Gifford	Miller, Ill.	Swoope
Brumm	Graham, Ill.	Miller, Wash.	Taber
Burdick	Graham, Pa.	Mills	Taylor, Tenn.
Burtess	Green, Iowa	Moore, Ill.	Temple
Burton	Greene, Mass.	Moore, Ohio	Thatcher
Butler	Griest	Moore, Ind.	Thompson
Campbell	Hadley	Morgan	Tilson
Chindblom	Hardy	Morin	Timberlake
Christopherson	Haugen	Mudd	Tincher
Clague	Hawley	Murphy	Tinkham
Clarke, N. Y.	Hersey	Nelson, Me.	Treadway
Cole, Iowa	Hickey	Newton, Minn.	Underhill
Cole, Ohio	Hill, Md.	Newton, Mo.	Vaile
Colton	Hoch	Perkins	Vare
Connolly, Pa.	Hull, Morton D.	Perlman	Vestal
Cooper, Ohio	Hull, Iowa	Phillips	Vincent, Mich.
Cooper, Wis.	James	Porter	Voigt
Cramton	Johnson, S. Dak.	Purnell	Wainwright
Crowther	Johnson, Wash.	Ramseyer	Ward, N. Y.
Curry	Kearns	Ransley	Watres
Dallinger	Kelly	Rathbone	Watson
Darrow	Kendall	Reece	Welsh
Davis, Minn.	Ketcham	Reed, N. Y.	Wertz
Dempsey	Kiess	Reid, Ill.	White, Kans.
Denison	King	Robinson, Iowa	White, Me.
Dickinson, Iowa	Kopp	Robson, Ky.	Williams, Ill.
Dowell	Kurtz	Rogers, Mass.	Williams, Mich.
Dyer	LaGuardia	Rosenbloom	Winslow
Edmonds	Lampert	Sanders, Ind.	Winter
Elliott	Larson, Minn.	Sanders, N. Y.	Wood
Evans, Iowa	Leatherwood	Schall	Woodruff
Fairchild	Leavitt	Scott	Wurzbach
Fairfield	Lehlbach	Sears, Nebr.	Yates
Faust	Lineberger	Seger	Young
Fenn	Little	Shreve	
Fish	Longworth	Simmons	

ANSWERED "PRESENT"—3.

Berger	Patterson	Roach
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NOT VOTING—22.

Anderson	Holaday	Michaelson	Wason
Bloom	Hudson	Michener	Williamson
Cable	Hull, William E.	Paige	Wyant
Clark, Fla.	Kahn	Parker	Zihlman
Drane	Knutson	Reed, W. Va.	
Hawes	Langley	Sinclair	

So the resolution as amended was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. Drane (for) with Mr. Patterson (against).
Mr. Hawes (for) with Mr. Roach (against).
Mr. Clark of Florida (for) with Mr. Wason (against).

Mr. ROACH. Mr. Speaker, I desire to withdraw my vote and vote "present." I voted "nay." I have a pair with my colleague, Mr. HAWES, who is sick.

Mr. GARRETT of Tennessee. Mr. Speaker, I voted "yea." For parliamentary reasons I change my vote from yea to nay.

Mr. LONGWORTH. Mr. Speaker, has the vote been announced yet?

The SPEAKER. No.

The result of the vote was announced as above recorded.

Mr. GARRETT of Tennessee. Mr. Speaker, I move to reconsider the vote by which the resolution was agreed to, and to lay that motion on the table.

The SPEAKER. Without objection, it is so ordered.

Mr. LONGWORTH. Mr. Speaker, I ask for a division, and upon that I demand the yeas and nays.

Mr. BANKHEAD. Mr. Speaker, the gentleman's demand comes too late, as the Speaker has said, "Without objection, it is so ordered."

The SPEAKER. The Chair assumed there was to be no objection and said without objection it was so ordered. If the gentleman said he was on his feet—

Mr. MAPES. Mr. Speaker, I make a point of order.

The SPEAKER. The gentleman will state it.

Mr. MAPES. The gentleman from Tennessee [Mr. GARRETT] changed his vote from yea to nay, voting with the losing side. Has the gentleman the right to make a motion to reconsider?

Mr. GRAHAM of Illinois. Mr. Speaker, I make a point of order—

The SPEAKER. The Chair thinks a gentleman on the prevailing side must make the motion to reconsider.

Mr. CRISP. Mr. Speaker, I move that the House reconsider the vote by which the resolution was agreed to, and move to lay that motion on the table.

The SPEAKER. The gentleman from Georgia moves to reconsider the vote by which the resolution was agreed to and lay that motion on the table. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

POSTAL WAGE INCREASE

Mr. SABATH. Mr. Speaker, I fully appreciate that it is absolutely necessary for our Government—yes, indeed, for the States and municipalities—to stop the lavish expenditures of money. Many promises are made for economy, but very few are kept. I have observed that when bills come before this House involving the expenditure and outlay unnecessarily of millions and millions of dollars, very feeble efforts are made to reduce the amounts or defeat the legislation; but whenever the Government employees seek to secure an increase in their wages or salaries sufficient to maintain themselves and their families, immediately the hue and cry for economy is heard on the floor of this House. I am for economy and vote against every unnecessarily large appropriation bill, but I am not willing to vote against an appropriation that is needed for efficient and businesslike administration. Due to the tremendous amount of legislative work of the committee of which I am a member, I have found it impossible to study all the measures introduced in the House and Senate on the question of postal wage increase, but I believe I have sufficient information to justify me in saying that the proposed increase is fair and just and absolutely necessary if we desire to have efficient service in this most important branch of our Government.

I am not at this time going into the question of the large amount of work these employees are required to perform, nor shall I go into the matter of describing the conditions under which they are obliged to work. Suffice to say that they involve real hardship and that it requires skillful work to carry out the demands of the service. The actual conditions have been thoroughly and fully explained by others, yet, despite these conditions, I know of my own knowledge in numerous instances the department has lost some of its most useful employees because they could no longer remain in the service at the low salary paid them, it being impossible for them to provide decently for their families. Again, I repeat, I am for economy, but, above all, I am for efficiency. I would prefer that the Government pay an efficient, sincere, and capable worker a wage of \$2,400 yearly than an indifferent and reckless employee a salary of \$1,200 yearly.

Within the last few weeks I have received a great many communications from business men and taxpayers, and besides those I have received editorials from newspapers and numerous resolutions of city, State, and national organizations, all urging increased compensation for our postal workers. They bear out my contention that if we are to have efficient service in the Post Office Department we must increase the salaries of these employees. I shall not encumber the RECORD with many of these editorials, letters, and resolutions, but I do desire to insert a few which I believe are deserving of not only the careful consideration but also the serious study of each and every Member of the House. I quote the following from an editorial appearing in the Chicago Tribune of April 9:

[From the Chicago Daily Tribune, Wednesday, April 9, 1924]

The Tribune, for one, still believes it would be a paying investment in the long run to raise the salaries of postal employees to a reasonable scale, even though postal rates must be increased to finance the raise.

All successful business men recognize that there is a point at which low wages or salaries cease to be economical and become wasteful. It is the point at which such low salaries discourage the workers and lower their morale, their loyalty, their standards of living, and their efficiency. Salaries in the Postal Service, for the most part, are now at that point. They are no longer attracting the proper type of new employees; they are not holding the experienced employees already in the service; they are not producing the best efforts of those in the service.

Again I am obliged, as a Democrat, to congratulate the Tribune upon the splendid and sane position it assumes with regard to this legislation, and hope I will be able to do so more often on other questions. Of course, other Chicago newspapers, including the Herald-Examiner, the Journal, and the Daily News, have realized that the claim of the postal employees should receive favorable consideration.

As to the amount of money it will require to provide sufficient increased compensation, I believe we can easily increase the second-class rates and in some instances the parcel-post rates, and I know the people of this country and the fair newspapers will cheerfully indorse any reasonable increase in these directions. Of course, this statement does not apply to certain magazines and periodicals, especially those that are owned and controlled by British interests.

To show the widespread sentiment for this legislation, I insert a letter received from one of the high schools in my city. It is only one of many of similar import that I have received from school principals and teachers:

BOARD OF EDUCATION, CITY OF CHICAGO,
MARSHALL HIGH SCHOOL,
Chicago, Ill., March 20, 1924.

Hon. ADOLPH J. SABATH,

Capitol, Washington, D. C.

DEAR SIR: The principal and teachers of the John Marshall High School believe that the interests of the postmen ought to be looked after carefully. We believe that the increase of wages asked for is a just demand. We therefore ask you to vote for House bill 4123.

Yours truly,

L. J. BLOCK.

I also take the liberty of including in the RECORD two letters from residents of Chicago which appear to me to fairly represent the viewpoint of the citizenry of my district and city:

THE CHICAGO & ALTON RAILROAD CO.,
TRAFFIC DEPARTMENT,
Chicago, Ill., April 3, 1924.

Mr. ADOLPH J. SABATH,

Representative, State of Illinois, Washington, D. C.:

MY DEAR MR. SABATH: I am taking the liberty of addressing you with the request that you lend your support to the successful handling of House bill 4123, which has to do with an increase in pay for employees in the Post Office Department.

There is little I can say that you are not already aware of as to why this class of Government employees should receive additional compensation, but particularly I have in mind the abnormal increase in living expenses in the city of Chicago.

I know from my own personal experience it is impossible for a married man with children to live decently and educate his children on the salary that these Post Office Department employees receive. Further, I have a brother who has been in the Post Office Department for about 20 years and for a man of his experience to be limited to a salary of \$1,800 a year is on the face of it ridiculous.

Your support of this bill will, I assure you, be personally appreciated.

Yours very truly,

C. M. BOSTWICK,
Assistant to Chief Traffic Officer, 1215 Winona Avenue, Chicago, Ill.

CHICAGO, March 19, 1924.

Hon. ADOLPH J. SABATH,

House of Representatives, Washington, D. C.

DEAR SIR: I am writing you with reference to House bill 4123, which I understand is the bill now pending before Congress which provides for increasing the salaries for postal employees to at least a living wage.

Speaking for myself and my wife, we request that you give this bill your favorable consideration. This is also the sentiment of a great many of my friends and neighbors.

I am in a business where I come into daily contact with wage earners of one kind or another, and I distinctly remember that during the war the postman who served us daily was the least able of any who came to my notice to lay away even a small part of his wages in savings in our local building and loan association or toward the purchase of a home. This condition seems to have continued to the present day, and almost the least skilled workman finds it possible to lay away a small sum from his savings, but the postman still finds it very difficult.

If you do not find it inconsistent with your own convictions, will you kindly use your best efforts to secure the enactment of this bill to raise the wages of postal employees?

Very respectfully yours,

CORNELIUS TENINGA.

Before I conclude I want to call attention to the fact that the letter carrier, it matters not what the weather is, whether below zero or 100° above, whether it rains or snows, is obliged to make his deliveries. With the clerks it requires years of study before they are familiar with the postal schemes, and I say to you that anyone who will investigate the conditions of the Chicago post office, where nearly 4,000 of them work under intolerable conditions, due to the lack of air space, light, and other unhealthy and unsanitary conditions, will find they have grown prematurely old. And it is under these deplorable, nerve-racking, and unhealthy conditions that the Chicago post-office workers are carrying on to maintain efficient service. It is but a question how long they will be able to continue in the face of these conditions, considering the continuous increase in the incoming and outgoing mail and parcel post that pass through that office. Seventy-five per cent of the workers are employed at night and in the early hours of the morning, and I wish to go on record now, and, that I may not be misquoted, I believe that these night workers are entitled to higher compensation.

Mr. Chairman, nothing that I may say will bring home more forcibly the reasons why the postal workers are entitled to an increase than is set forth in a letter written by Charles E. Dolan, a resident of Chicago, Ill., and member of the National Federation of Post Office Clerks, who was awarded first prize in an essay contest conducted by the official journal of the federation. Mr. Dolan's letter follows:

WHY CONGRESS SHOULD INCREASE THE PAY OF POST-OFFICE CLERKS

A saying attributed to Bonaparte is to the effect that an army marches on its stomach, the great soldier meaning thereby that the efficiency of a fighting unit is in direct proportion to its physical comfort.

The Corsican's aphorism is as applicable to the armies of modern industrialism as it was to those that marched and met at Marengo or Waterloo, and in a broader sense. Their comfort, too, must be provided for if they are to be competent and efficient instead of shiftless and incapable. Not merely filled with food. The oft-quoted "not by bread alone" fits singularly in the consideration of their case. There are other things in our civilization to be desired besides the mere satisfaction of animal appetites. There is self-respect and the respect of our neighbor, for instance. Who can or does possess these if he be not decently clad and housed, able to provide for himself and dependents at least a moderate share of social pleasures?

If it be accepted—and it is generally accepted—that a well-paid and well-satisfied worker is a greater asset to his employer than is one not so well paid or well satisfied, why should not Congress take steps to the end that the post office, the very mainspring of industry, be brought to that peak of usefulness to which an adequate salary scale can bring it? Two essential things would almost immediately result from this course—the elimination of the deadly "turnover" and the attraction to the service of high-grade men.

Apart from the benefits that would certainly accrue to business and the country at large if this policy were adopted, there is another question involved which merits the attention of those in whose hands the whole matter rests: Is it desirable that the United States—richest of countries, capstone of civilization—should underpay its employees? Is it proper that men and women whose work requires a pretty high standard of intelligence, who are subjected to adverse conditions inherent in their employment—night work, perpetual scheme study, etc.—should be the object of the pity, or scorn, of the common labor that draws a higher remuneration?

The late Elbert Hubbard in his heyday was author of an article on the duty of the employer. "If you work for a man, for God's sake work for him," was his theme, and he did it justice. Considering the impression he made on certain gentlemen whom I worked for then, I have ever since regretted that he did not write a companion piece, "If a man works for you, for God's sake pay him a living wage."

There's a phrase! "A living wage." What is it? Capable of innumerable interpretations, according as there are different standards, it is impossible to arbitrarily define it. I hope it is not presumptuous for a postal worker to see it as that yearly sum which would enable him to live in decent surroundings, wear fairly respectable clothes, keep an average table, have a little for the rainy day; and, while the market is flooded with "flivvers" for a song, would it be unreasonable if on Sundays he could afford to spend a few nickels on gasoline to take the family for an airing?

I am not to be taken as charging or insinuating that Congress is or has been deliberately unfair to the postal servants. I have been in the service since 1912 without interruption, and in that time I have seen enough to convince me that the legislators are at no time either indifferent or hostile. If now we have dropped behind the procession, if the great majority of the department's employees are compelled to get along as best they can on one hundred and fifty 60-cent dollars per month, I believe that rapidly changing conditions and the press of mighty affairs are to blame.

I am confident that the Senate and House will do us justice as soon as properly informed.

After the need for an increase has been proven, after it has been demonstrated that those for whom it is solicited are deserving of it, there yet remain two considerations of the first moment. They are:

1. Would the country approve of higher salaries?
2. Can the Post Office Department afford to pay them?

Let us see if these considerations are prohibitive. As to the first, Americans are a generous and an open-handed people; necessity, even in the remotest corner of the earth, does not go unheeded by them. Is it to be supposed that such a people, or any considerable part of them, would object to a program whose sole object is the provision of tolerable conditions for the most essential of their servants? For myself, if it were possible to bring the matter to a referendum, I would be willing to lay it before the people with every confidence of the widest approval. Influential opinion, as voiced by prominent men and great newspapers and periodicals, favors a higher salary scale; opposition to it from any popular source is not in evidence.

"Can the Post Office Department afford to pay higher salaries?"

This, in view of the campaign for and real need of economy, would appear to present a serious difficulty. If, however, it is taken into consideration that the post office, among other Government institutions, is potentially self-supporting, the difficulty is not so apparent. I say potentially. A deficit exists. Can it be remedied? The best authority says it can, and by a no more involved process than a simple readjustment of certain mailing rates.

In my humble opinion, it is proper and necessary for Congress to call for and authorize such readjustment and increase salaries with the revenue so provided. If the department is enabled to stand on its own feet and at the same time pay for labor at its true value, business and the general taxpayer—relieved of the deficit and assured an efficient Postal Service—will be the principal beneficiaries.

CHAS. E. DOLAN,
8751 Michigan Avenue, Chicago, Ill.

Within the last few days it has been whispered and openly suggested in the Capitol that an investigating committee should be appointed to study and report, with recommendations, the question of increased wages and improved working conditions in the Postal Service. This I charge is an attempt to bunco the postal employees in "conveniently" waiting until next Congress. I believe that it is our duty to act now to relieve the postal worker from the ever-increasing cost of living. Well we know that if this legislation goes over until the next session of Congress the postal employee will be denied his just due and another delay of one or two years will take place before action is had by the House and Senate.

It has also been suggested and a plan is now on foot to secure the appropriation of a lump sum for the use of the Postmaster General, to be used, at his discretion, to relieve any unusual conditions that may appear to him to exist in the larger cities. This proposition is a fine one to take care of emergency conditions, but it is beside the question of postal wage increase, because we know no part of the sum would be utilized in affording increase in compensation.

The postal employees do not ponder in perplexity at these proposals. They discern the political motive of the advocates of these two plans. I join with these faithful workers in protesting that postal wage legislation shall not be made a political football. I champion the cause of these most deserving and efficient employees of our Government.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Welch, one of its clerks, announced that the Senate had passed joint resolution (S. J. Res. 110) to admit Lela Gersch, and Civia Lipman, three Russian orphan children, to the United States, in which the concurrence of the House of Representatives was requested.

ENROLLED BILLS SIGNED

Mr. ROSENBLUM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

- S. 514. An act authorizing the Secretary of War to grant a right of way over the Government levee at Yuma, Ariz.;
- S. 646. An act for the relief of Ethel Williams;
- S. 1861. An act authorizing the Court of Claims of the United States to hear and determine the claim of Elwood Grissinger; and
- S. J. Res. 72. Joint resolution authorizing the Secretary of War to lease to the New Orleans Association of Commerce New Orleans Quartermaster Intermediate Depot Unit No. 2.
- S. 303. An act authorizing the conveyance of certain land to the city of Miles City, State of Montana, for park purposes;
- S. 306. An act granting to the county of Custer, State of Montana, certain land in said county for use as a fairground;
- S. 661. An act for the relief of Fred Hurst;

S. 1219. An act for the relief of Thomas Nolan;
S. 1330. An act to authorize the widening of Georgia Avenue between Fairmont Street and Gresham Place NW.;
S. 2146. An act to amend section 84 of the Penal Code of the United States;

S. 2147. An act to complete the construction of the Willow Creek ranger station, Mont.;

S. 2332. An act granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Hughes County and Stanley County, S. Dak.;

S. 2436. An act granting the consent of Congress to the Board of Supervisors of Leake County, Miss., to construct a bridge across the Pearl River in the State of Mississippi;

S. 2437. An act granting the consent of Congress to the Board of Supervisors of Leake County, Miss., to construct a bridge across the Pearl River in the State of Mississippi;

S. 2488. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city;

S. 2538. An act to revive and reenact the act entitled "An act authorizing the counties of Aiken, S. C., and Richmond, Ga., to construct a bridge across the Savannah River at or near Augusta, Ga.," approved August 7, 1919;

S. 2656. An act granting the consent of Congress to the construction of a bridge across the Mississippi River near and above the city of New Orleans, La.;

S. 2686. An act to authorize the Federal Power Commission to amend permit No. 1, project No. 1, issued to the Dixie Power Co.;

S. 2925. An act to extend the time for commencing and completing the construction of a bridge across the Detroit River within or near the city limits of Detroit, Mich.;

S. 2914. An act authorizing the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.;

S. 2930. An act to transfer jurisdiction over a portion of the Fort Keogh Military Reservation, Mont., from the Department of the Interior to the United States Department of Agriculture for experiments in stock raising and growing of forage crops in connection therewith; and

S. 2164. An act to repeal that part of an act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912," approved March 4, 1911, relating to the admission of tick-infested cattle from Mexico into Texas.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HUDSON, at the request of Mr. MAPES, for to-day, on account of important business.

ADJOURNMENT

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 36 minutes p. m.) the House, in accordance with its previous order, adjourned until to-morrow, Friday, April 11, 1924, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

430. A letter from the Secretary of War, transmitting with a letter from the Chief of Engineers, supplementary report on survey of Sabine-Neches waterway (Saltwater Guard Lock), Texas (H. Doc. No. 234); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

431. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Hilo Harbor, Hawaii (H. Doc. No. 235); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HILL of Washington: Committee on the Public Lands. H. R. 5318. A bill to authorize an exchange of lands with the State of Washington; without amendment (Rept. No. 479). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNYDER: Committee on Indian Affairs. S. 2798. A bill to authorize the leasing for mining purposes of unallotted

lands in the Kaw Reservation, in the State of Oklahoma; with an amendment (Rept. No. 480). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER: Committee on the Public Lands. H. R. 656. A bill to add certain lands to the Plumas and to the Lassen National Forests, in California; without amendment (Rept. No. 481). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANGLEY: Committee on Public Buildings and Grounds. H. R. 7821. A bill to convey to the city of Astoria, Oreg., a certain strip of land in said city; without amendment (Rept. No. 483). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM of Pennsylvania: Committee on the Judiciary. H. R. 4526. A bill to incorporate the United States Blind Veterans of the World War; with an amendment (Rept. No. 483). Referred to the House Calendar.

Mr. GRAHAM of Pennsylvania: Committee on the Judiciary. H. R. 8546. A bill relating to the examination of witnesses in suits in equity in the courts of the United States; without amendment (Rept. No. 484). Referred to the House Calendar.

Mr. YATES: Committee on the Judiciary. H. R. 64. A bill to amend section 101 of the Judicial Code as amended; without amendment (Rept. No. 485). Referred to the House Calendar.

Mr. YATES: Committee on the Judiciary. H. R. 169. A bill to amend an act entitled "An act to amend section 73 of an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved June 12, 1916," and for other purposes; with an amendment (Rept. No. 486). Referred to the House Calendar.

Mr. YATES: Committee on the Judiciary. H. R. 6646. A bill providing for the holding of the United States district and circuit courts at Durant, Okla.; with an amendment (Rept. No. 487). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HOWARD of Oklahoma: Committee on Indian Affairs. H. R. 7249. A bill for the relief of Forrest J. Kramer; with an amendment. Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. COOPER of Ohio: A bill (H. R. 8578) to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. TILLMAN: A bill (H. R. 8579) to appoint a commission of five citizens to ascertain the persons responsible for the Mountain Meadow massacre, to ascertain the amount of property loss, and by whom sustained, because of said massacre, and for other purposes; to the Committee on the Judiciary.

By Mr. KINDRED: A bill (H. R. 8580) to create a national police bureau, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAVITT: A bill (H. R. 8581) providing for extension of water charges in connection with Indian irrigation projects; to the Committee on Indian Affairs.

By Mr. QUAYLE: A bill (H. R. 8582) to amend the war risk insurance act to provide compensation and vocational training for Army field clerks who served overseas during the World War; to the Committee on World War Veterans' Legislation.

By Mr. MOORE of Virginia: A bill (H. R. 8583) for the purpose of preserving life at sea, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. LOZIER: A bill (H. R. 8584) to amend the third paragraph of section 12 of the Federal farm loan act, and fixing the highest rate of interest on loans under said act at 4 per cent per annum; to the Committee on Banking and Currency.

By Mr. REED of West Virginia: A bill (H. R. 8585) to amend the act of Congress approved March 4, 1913, creating the Public Utilities Commission of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. GRIEST: A bill (H. R. 8586) to provide for the free transmission through the mails of certain publications for the blind; to the Committee on the Post Office and Post Roads.

By Mr. HAYDEN: A bill (H. R. 8587) granting certain public lands to the city of Phoenix, Ariz., for municipal, park, and for other purposes; to the Committee on the Public Lands.

By Mr. McLEOD: A bill (H. R. 8588) authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern hospital for the treatment of beneficiaries of the United States Public Health Service, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. WURZBACH: A bill (H. R. 8589) to amend an act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," approved September 21, 1922; to the Committee on Ways and Means.

By Mr. GRAHAM of Pennsylvania: Resolution (H. Res. 255) for the appointment of EARL C. MICHENER (chairman), CHARLES A. CHRISTOPHERSON, NATHAN D. PERLMAN, ANDREW J. MONTAGUE, and SAMUEL C. MAJOR on a subcommittee of the House Committee on the Judiciary to examine the present bankruptcy law of the United States for the purpose of suggesting amendments thereto, and for other purposes; to the Committee on Rules.

By Mr. BOYLAN: Resolution (H. Res. 256) authorizing and directing the Secretary of State to furnish to the House of Representatives such data and information as he may have concerning the present status of the imprisonment of Hon. Eamon De Valera; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHARACH: A bill (H. R. 8590) granting an increase of pension to Mary V. Sprague; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 8591) granting a pension to Nannie E. Bowman; to the Committee on Invalid Pensions.

By Mr. BLACK of New York: A bill (H. R. 8592) for the relief of James P. Lyons; to the Committee on Claims.

By Mr. BROWNING: A bill (H. R. 8593) granting an increase of pension to Emma F. Derryberry; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 8594) granting an increase of pension to Hester A. McLuen; to the Committee on Invalid Pensions.

By Mr. FENN: A bill (H. R. 8595) granting an increase of pension to George F. Smith; to the Committee on Pensions.

Also, a bill (H. R. 8596) granting a pension to Annie H. Marsh; to the Committee on Invalid Pensions.

By Mr. GLATFELTER: A bill (H. R. 8597) granting an increase of pension to Lydia Ann Stare; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8598) granting an increase of pension to Mary King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8599) granting an increase of pension to Henrietta E. Hess; to the Committee on Invalid Pensions.

By Mr. LAMPERT: A bill (H. R. 8600) granting a pension to Lewis Grignon; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 8601) granting a pension to Melville M. Gordon; to the Committee on Pensions.

By Mr. MILLS: A bill (H. R. 8602) for the relief of William Bardel; to the Committee on Claims.

By Mr. PERLMAN: A bill (H. R. 8603) for the relief of Carl Wordelman; to the Committee on Claims.

By Mr. SANDERS of Indiana: A bill (H. R. 8604) granting an increase of pension to William D. Wilson; to the Committee on Pensions.

Also a bill (H. R. 8605) granting a pension to Elizabeth Power; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 8606) granting a pension to Stella Hudson Owen; to the Committee on Pensions.

By Mr. SWANK: A bill (H. R. 8607) granting a pension to Elizabeth Hatch; to the Committee on Invalid Pensions.

By Mr. TABER: A bill (H. R. 8608) for the relief of Sadie Judevine; to the Committee on Claims.

By Mr. THOMAS of Kentucky: A bill (H. R. 8609) granting an increase of pension to Margaret C. Fortney; to the Committee on Invalid Pensions.

By Mr. TINCHER: A bill (H. R. 8610) granting a pension to Harriet E. Goodale; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 8611) granting an increase of pension to Susan M. Lambert; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 8612) granting an increase of pension to Emily Sanders; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2334. By the SPEAKER (by request): Petition of 125 delegates, representing various Jewish organizations, protesting against the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2335. Also (by request), petition of Philadelphia Federation of Churches, approving amendment to the Constitution of the United States relative to child labor; to the Committee on the Judiciary.

2336. Also (by request), petition of Ellsworth L. Brown, New York City, N. Y. favoring the Howell-Barkley bill; to the Committee on Interstate and Foreign Commerce.

2337. By Mr. GALLIVAN: Petition of Joseph S. Weeks, Dorchester, Mass., and others, recommending favorable consideration of the Dill radio bill; to the Committee on the Merchant Marine and Fisheries.

2338. Also, petition of Central Labor Union of Boston, Mass., and vicinity, expressing approval of the Porter resolution calling on foreign nations which produce the poppy plant and the coco shrub to cease all production of these plants, except as necessary for medical and scientific purposes, etc.; to the Committee on Foreign Affairs.

2339. Also, petition of Charles E. McCarthy, 498 Sixth Street, South Boston, Mass., recommending favorable consideration of the Dill radio bill; to the Committee on the Merchant Marine and Fisheries.

2340. Also, petition of Boston Central Labor Union, Boston, Mass., recommending early and favorable consideration of House bill 6896, entitled "An act to amend the act for the classification of civilian positions within the District of Columbia and in the field services"; to the Committee on the Civil Service.

2341. Also, petition of Hon. James Jackson, treasurer of the Commonwealth of Massachusetts, protesting against appropriation for manufacture of shoes in Federal penitentiary at Leavenworth; to the Committee on Appropriations.

2342. By Mr. GARBER: Petition of citizens of Garfield and Major Counties, Okla., indorsing the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2343. Also, petition of citizens of Fairview, Okla., urging the passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2344. By Mr. LEAVITT: Petition of Dee A. Patton and 99 other citizens of Valley County, Mont., urging the early passage of the Johnson immigration bill, with the 2 per cent quota based on the 1890 census; to the Committee on Immigration and Naturalization.

2345. Also, petition of Harry J. Meredith and 76 other citizens of Livingston, Mont., indorsing the Johnson immigration bill, with the 2 per cent quota provision based on the 1890 census; to the Committee on Immigration and Naturalization.

2346. Also, petition of the Masonic Lodge of Belt, Mont., indorsing the Johnson immigration bill and urging its passage before July 1, 1924; to the Committee on Immigration and Naturalization.

2347. Also, petition of W. A. Rentschler, of the International Brotherhood of Electrical Workers, at Great Falls, Mont., advising that his local union unanimously favors the passage of the Johnson immigration bill before June 30, 1924; to the Committee on Immigration and Naturalization.

2348. Also, petition of the Belt Valley Post of the American Legion, Belt, Mont., urging passage of the Johnson immigration bill with the 2 per cent quota provision, based on the 1890 census; to the Committee on Immigration and Naturalization.

2349. By Mr. O'CONNELL of Rhode Island: Petition of the Democratic State convention of Rhode Island, opposing the passage of the Johnson and Reed immigration bills; to the Committee on Immigration and Naturalization.

2350. By Mr. PRALL: Petition of the Women's Police Reserve, fifth precinct, New York, N. Y., in support of increase in salary for the mail carriers, clerks, etc.; to the Committee on the Post Office and Post Roads.

2351. By Mr. ROUSE: Petition of citizens of Covington, Kenton County, Ky., indorsing the immigration bill; to the Committee on Immigration and Naturalization.

2352. By Mr. TINKHAM: Petition of Harvard Medical Society, of Boston, favoring House bill 7822; to the Committee on Interstate and Foreign Commerce.

2353. By Mr. YOUNG: Petitions of Farmers Grain Dealers' Association of North Dakota, and the Commercial Club of Ellendale, N. Dak., urging that the transportation act of 1920 be continued in its present form; to the Committee on Interstate and Foreign Commerce.

SENATE

FRIDAY, April 11, 1924

(Legislative day of Thursday, April 10, 1924)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MOSES in the chair). The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams	Ferris	King	Shields
Ashurst	Fess	Ladd	Shipstead
Ball	Fletcher	McKellar	Shortridge
Bayard	Frazier	McKinley	Simmons
Borah	George	McNary	Smith
Brandegee	Gerry	Mayfield	Smoot
Broussard	Glass	Moses	Spencer
Bruce	Gooding	Neely	Stanley
Bursum	Hale	Norris	Stephens
Cameron	Harrell	Oddie	Sterling
Capper	Harris	Overman	Trammell
Caraway	Harrison	Pepper	Underwood
Colt	Heflin	Phipps	Wadsworth
Copeland	Howell	Pittman	Walsh, Mass.
Curtis	Johnson, Calif.	Ralston	Walsh, Mont.
Dale	Johnson, Minn.	Ransdell	Warren
Dial	Jones, N. Mex.	Reed, Pa.	Watson
Dill	Kendrick	Robinson	Weller
Fernald	Keyes	Sheppard	Willis

Mr. CURTIS. I wish to announce the absence of the Senator from Wisconsin [Mr. LENROOF] on account of illness. I ask that this announcement may stand for the day.

I was requested to announce that the Senator from Washington [Mr. JONES] is detained from the Senate by a committee investigation, and that the Senator from Iowa [Mr. BROOKHART] and the Senator from Montana [Mr. WHEELER] are absent from the city on business of the Senate.

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker of the House had signed enrolled bills and a joint resolution of the following titles, and they were subsequently signed by the President pro tempore:

- S. 303. An act authorizing the conveyance of certain land to the city of Miles City, State of Montana, for park purposes;
- S. 306. An act granting to the county of Custer, State of Montana, certain land in said county for use as a fairground;
- S. 514. An act authorizing the Secretary of War to grant a right of way over the Government levee at Yuma, Ariz.;
- S. 646. An act for the relief of Ethel Williams;
- S. 661. An act for the relief of Fred Hurst;
- S. 1219. An act for the relief of Thomas Nolan;
- S. 1339. An act to authorize the widening of Georgia Avenue between Fairmont Street and Gresham Place N. W.
- S. 1861. An act authorizing the Court of Claims of the United States to hear and determine the claim of Elwood Grissinger;
- S. 2146. An act to amend section 84 of the Penal Code of the United States;
- S. 2147. An act to complete the construction of the Willow Creek ranger station, Mont.;
- S. 2164. An act to repeal that part of an act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912," approved March 4, 1911, relating to the admission of tick-infested cattle from Mexico into Texas;
- S. 2332. An act granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Hughes County and Stanley County, S. Dak.;
- S. 2436. An act granting the consent of Congress to the Board of Supervisors of Leake County, Miss., to construct a bridge across the Pearl River in the State of Mississippi;
- S. 2437. An act granting the consent of Congress to the Board of Supervisors of Leake County, Miss., to construct a bridge across the Pearl River in the State of Mississippi;

S. 2488. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city;

S. 2538. An act to revive and reenact the act entitled "An act authorizing the counties of Aiken, S. C., and Richmond, Ga., to construct a bridge across the Savannah River at or near Augusta, Ga.," approved August 7, 1919;

S. 2656. An act granting the consent of Congress to the construction of a bridge across the Mississippi River near and above the city of New Orleans, La.;

S. 2686. An act to authorize the Federal Power Commission to amend permit No. 1, project No. 1, issued to the Dixie Power Co.;

S. 2690. An act to transfer jurisdiction over a portion of the Fort Keogh Military Reservation, Mont., from the Department of the Interior to the United States Department of Agriculture for experiments in stock raising and growing of forage crops in connection therewith;

S. 2825. An act to extend the time for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich.;

S. 2914. An act authorizing the construction of a bridge across the Ohio River approximately midway between the cities of Owensboro, Ky., and Rockport, Ind.; and

S. J. Res. 72. Joint resolution authorizing the Secretary of War to lease to the New Orleans Association of Commerce the New Orleans Quartermaster Intermediate Depot Unit No. 2.

PETITIONS AND MEMORIALS

Mr. McKINLEY presented a petition of sundry citizens of Moweaqua, Ill., praying for the passage of restrictive immigration legislation, with 2 per cent quotas based on the 1890 census, which was referred to the Committee on Immigration.

Mr. KEYES presented a resolution adopted by the Central Labor Union of Portsmouth, N. H., favoring adequate appropriations enabling representatives of the United States to attend the forthcoming international conference for the suppression of the narcotic traffic, which was referred to the Committee on Foreign Relations.

Mr. HOWELL presented 14 telegrams in the nature of petitions from sundry citizens and business firms and organizations of Fremont and Omaha, Nebr., praying for the passage of legislation repealing the tax on telegraph and telephone messages, which were referred to the Committee on Finance.

Mr. KENDRICK presented petitions of sundry citizens of Green River, Evanston, and Converse County, in the State of Wyoming, praying for the passage of restrictive immigration with quotas based on the 1890 census, which were referred to the Committee on Immigration.

Mr. ROBINSON presented telegrams in the nature of petitions from the Helena (Ark.) Chamber of Commerce and J. L. Cannon, sales manager, De Queen Growers' Association, of De Queen, Ark., praying for the removal of the war tax on telegraph and telephone messages, which were referred to the Committee on Finance.

Mr. SHORTRIDGE presented sundry telegrams in the nature of petitions from the following citizens and organizations: American Rolling Mill Co., of San Francisco; Anderson Lumber Co., of Dunsmuir; Berkeley Textile Co., of Berkeley; C. H. Bradt, president, Hunt Bros. Packing Co., of San Francisco; Byron Jackson Pump Manufacturing Co., of Berkeley; Barnard & Bunker, of San Francisco; F. H. Buck Co., of San Francisco; California Fruit & Nursery Co., of Stockton; California Press Manufacturing Co.; California Canneries Co., of San Francisco; Coast Gravel & Rock Co., of San Francisco; California Card Manufacturing Co., of San Francisco; Coykendall (Inc.), of Berkeley; Cutter Laboratory, of Berkeley; California Corrugated Culvert Co., of Berkeley; Dunsmuir Garage, of Dunsmuir; E. H. Edwards, president, Edwards Wire & Rope Co., of South San Francisco; J. R. Eherenman, of Dunsmuir; Great Western Smelting & Refining Co., of San Francisco; Allen Holcomb, of Dunsmuir; Harry Hall & Co. (Inc.), of San Francisco; F. M. Hudson, secretary, Produce Exchange of Los Angeles; Kelley, Clarke Co., of San Francisco; Mary I. Lockett, of Palo Alto; Phil D. Liston, of Dunsmuir; Lillenthal, Williams Co., of San Francisco; Mason, McDuffie Co., of Berkeley; Manatee Block Tanning Co., of Berkeley; Miller & Lux (Inc.), of San Francisco; McCormick & Co., McCormick Steamship Co., of San Francisco; F. Patek, of San Francisco; Peoples' Saving & Commercial Bank, of Chico; Pacific Orient Co., of San Francisco; Ruffner, McDowell & Burch, of San Francisco; Penn Furniture Co., of San Mateo; C. E. Richards, of Sutter Creek; State Bank, of Dunsmuir; Frank C. Sloan, president, Sloan, Reed Co., of Los Angeles; Ruckstell Sales & Manufacturing Co., of Berkeley; Steel Pipe & Tank Co., of